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OFFICIAL REPORT
(HANSARD)

Thursday, April 20, 2023

The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Thursday, April 20, 2023

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

[*Translation*]

SENATORS' STATEMENTS

VICTIMS OF FIRE IN OLD MONTREAL

Hon. Diane Bellemare: On March 16, 2023, in Old Montreal, a terrible fire broke out in the early hours of the morning in a three-storey heritage building on Rue du Port, with 22 people inside.

After becoming trapped in windowless rooms without an emergency exit, some people made calls to 911 and family members. Others managed to flee or had to jump from windows to save their lives. Seven people did not make it out.

Camille Maheux, 76, was a cinematographer and videographer who was known in her circle as a "talented portrait photographer and pioneer of what came to be known as intimate documentaries." She got her start in the 1970s photographing the feminist movement, the LGBT community and marginalized people.

[*English*]

Nathan Sears, 35, was a recent PhD graduate in political science at the University of Toronto. He was a Cadieux-Léger Fellow at Global Affairs Canada and a fellow at the Trudeau Centre for Peace, Conflict and Justice. Known by his peers and loved ones as a passionate academic with a promising career, he was in Montreal for the International Studies Association conference.

Dania Zafar, 31, was a young graphic designer, a free spirit and ambitious woman. She spoke to her father in Lahore, Pakistan, the day before the fire. She was on a spontaneous trip to Montreal with her friend Saniya Khan, also 31, who came to Montreal to visit a childhood friend. Saniya was completing a master's degree in public health in Detroit.

An Wu, 31, was a young and promising neuroscientist who had obtained her PhD at 24 and worked as a project scientist at the University of California San Diego. She was visiting Quebec for the academic conference and workshop COSYNE.

[*Translation*]

Charlie Lacroix, 18, was a young woman who was described as a deeply caring social butterfly who adored art. She called her grandfather during the fire. Her friend Walid Belkahla, 18, was a young man with his whole life ahead of him.

For the families and friends of those who lost their lives, the several-day wait before the bodies were found in the rubble and identified was unbearable.

How could such a fire have happened in our community in this day and age?

The Chief Coroner of Quebec has ordered a public inquiry into the seven deaths.

These deaths should have never happened. Our thoughts are with the victims' families and loved ones. They have my deepest sympathy.

[*English*]

CANADIAN UNDER-21 CURLING CHAMPIONSHIPS

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, it is my duty as a senator and my honour as a grandfather to rise today and bring you the fourth instalment of "Myla Plett's Curling Adventures."

As you know from my last instalment, Myla and her team have been on an impressive winning streak. They won the Canadian Under-18 Girls Curling Championships in Timmins, Ontario, followed by a silver medal at the Canada Winter Games in Prince Edward Island in March. From there, they headed to Rouyn-Noranda in Quebec for the 2023 Canadian Under-21 Women's Curling Championships.

Betty and I were not able to be there in person this time, but I understand that someone may have almost dialled 911 because Team Plett was on fire. They played 10 games in eight days and went 10 and 0 for a perfect winning record, clinching the gold medal after defeating Newfoundland and Labrador in the final! Following their earlier 9 and 0 streak at the Canadian Under-18 Curling Championship, that puts them at an incredible 19 and 0 between the two events.

Colleagues, Myla was extremely surprised and excited to find out that this victory was a historic achievement because it is the first time in Canadian curling history that a team has captured both the Under-21 and the Under-18 titles in the same year!

The *Calgary Sun* noted:

> It's another chapter in an astonishing and ongoing championship run for Plett, vice-skip Alyssa Nedohin, second Chloe Fediuk, lead Allie Iskiw —

— as well as their coaches, Blaire Lenton and David Nedohin.

I couldn't agree more. Their achievements have been remarkable, and they have made history in Canadian curling. Team Plett's win at the Under-21 Nationals means they will now spend the summer and fall training and then will be off to Lohja, Finland, for the 2023 World Junior-B Curling Championships as

Team Canada. If they secure a podium spot there, they will be back in Finland in February 2024 for the 2024 World Junior Curling Championships.

Colleagues, Myla and her team are representative of Canada's many amazing athletes. They have dedicated countless hours to their training and have worked tirelessly to perfect their skills. Their commitment to excellence is an inspiration to us all.

I also want to congratulate the Alberta men's team for their incredible victory at the Canadian Under-21 Curling Championships as well. Skip Johnson Tao, third Jaedon Neuert, second Benjamin Morin and lead Adam Naugler demonstrated great skill, determination and teamwork to bring home the gold medal. Their success, along with Myla's team, is a testament to the strength of Canadian curling and the talent of our many young athletes.

Colleagues, I invite you to join me in congratulating Team Plett on their historic win, along with the Alberta men's team and all the young athletes who participated and continue to make us proud.

An Hon. Senator: Hear, hear.

EARTH DAY

Hon. Mary Coyle: Honourable senators, this Saturday, people around the world will come together to celebrate the fifty-third annual Earth Day, a day initiated by American Democratic senator Gaylord Nelson and Republican congressman Pete McCloskey. The theme of that first Earth Day was "A Question of Survival."

• (1410)

Colleagues, our planet Earth is the third planet from the sun and the only planet we know so far that is inhabited by living things, including us. It is the only planet with liquid water on its surface. The name "Earth" is at least 1,000 years old. Unlike other planets named after Greek and Roman gods and goddesses, the name of our planet is derived from a Germanic word which simply means "the ground."

The theme for Earth Day 2023 is "Invest in our Planet," aiming to raise awareness about the need for countries, companies and individuals to help build healthy, sustainable and equitable economies. Earth Day's official website states:

> There is no longer a choice between going green and growing long term profits. It is crucial for businesses of all sizes to act now.

According to Fatih Birol, Executive Director of the International Energy Agency:

> We do not have to choose between responding to today's energy crisis and tackling the climate crisis. Not only can we do both, we must do both because they are intimately linked. Massive investment in clean energy—including energy efficiency, renewables, electrification, and a range of clean fuels—is the best guarantee of energy security in the future and will also drive down harmful greenhouse gas emissions.

Canada's independent Net-Zero Advisory Body's annual report states:

> Canada must remain at the forefront of the net-zero movement to ensure competitiveness in the global economy, sustain well-being, create good jobs, and attract investments to leverage competitive advantages. . . .
>
> . . . success must be about the construction of a . . . net-zero future for all Canadians.

The Canadian Manufacturers & Exporters association says, "It is imperative that Canada and Canadian manufacturers become world leaders in the race to net zero."

Colleagues, we know the business sector is central to the transformative green industrial revolution we are currently undergoing on our planet Earth. Also critical is the role of our governments at every level, of civil society and each of us as citizens. Colleagues, let's take a minute this Saturday to reflect on how we can each invest in the well-being of our planet, for our own well-being and for the well-being of our future generations. And let's just get out and enjoy the day. Happy Earth Day.

CITIZENSHIP CEREMONIES

Hon. Pamela Wallin: Honourable senators, one of Canada's greatest achievements has been our ability to create a common sense of purpose in a country that is so vast and where the north-south connections are often stronger than the pull east or west. While the phrase "land of the free" is associated with America, we too are the land of the free because of the brave, in world wars, in Korea, in Afghanistan. We mark Remembrance Day to honour those whose sacrifice gave us the freedoms we enjoy and which are envied by millions.

For new Canadians, the public swearing of the oath and citizenship ceremonies themselves are an act of commitment, of signing up to serve their new home. It is a choice often hard come by, but they show a willingness to embrace change and cold winters and new languages and some other strange rituals, many of them on ice. Try explaining curling.

Now, after 76 years, citizenship ceremonies and the public swearing of the oath will be cancelled — ironically, on July 1 — and new Canadians will simply go online and check a box. It's a travesty. They have waited years and worked hard for the opportunity, and they are being robbed of the opportunity to affirm proudly and publicly their new-found citizenship alongside others who chose the same path. It is perhaps why they are the ones most annoyed with those who illegally jump the queue.

The oath is a meaningful step toward belonging. A meaningless online checkmark diminishes the very concept of citizenship, and it is our obligation as a country to be honest and clear about who we are.

We still think we're the world's peacekeepers, but lack the equipment. We're generous with other people's money. We don't pay our bills at NATO. We are rule followers, even standing still at a red light at 2 a.m. on an empty street. We apologize almost as a reflex, but often that is a good thing as we reflect on the past and try hard to change today to make it better tomorrow. But tearing down statues or cancelling history or cancelling ceremonies of citizenship does a disservice to us all, including new Canadians. We owe them our truth. We are all a product of our past, for better or worse: the constant denigration of the hard work of thousands who carved out sod huts and livelihoods and survived the cruelty of winter and gave birth and raised families and grew food — people of all colours and creeds that built lives and communities and shaped this place.

Do we learn from our past? Of course, and so do newcomers. That is often why they are here: to escape tyranny, to be granted freedom of speech and thought and to embrace the comfort of safety and plenty. In the end it is about our commitment to each other as people who share common space, whether we are of a farm or of a fishing village or of a city apartment or of a First Nation.

So keep the oath and the ceremony, and perhaps we should all think about renewing our commitment to citizenship. Let's commit to this country because Canada is a testament that change is possible.

Some Hon. Senators: Hear, hear.

MENTAL HEALTH WEEK

Hon. David M. Wells: Honourable colleagues, May 1 to 7 is Mental Health Week in Canada, a time to reflect on the impact of mental health on our lives, our families, our communities and our country. Mental health is an essential component of our overall well-being, and it affects everyone in some way.

This year's theme, "My Story," emphasizes the importance of acknowledging and expressing our emotions, individually and collectively, and embracing our stories which mould who we are. It is a reminder that every individual has a story and caring for mental health should be treated as equally as caring for physical health.

As we recognize Mental Health Week, let us also take a moment to appreciate the efforts of mental health advocates, professionals and organizations who work tirelessly to promote mental health awareness, provide support and reduce the stigma around mental illness.

Honourable colleagues, let us continue to raise our voices to create awareness and work together to destigmatize mental health. Now more than ever, Canadians need support.

NEXTGEN ASSEMBLY OF LEADERS

Hon. Tony Loffreda: Honourable senators, on April 24, I will have the distinguished pleasure of hosting a group of young leaders from Quebec for the second edition of the NextGEN Assembly of Leaders, organized by the Sir Wilfrid Laurier School Board and the English Montreal School Board.

It will be an exciting all-day event for 60 students who will gather in person in Ottawa to discuss legislative initiatives currently before Parliament and public policy priorities. Students from King's-Edgehill School in Nova Scotia will also be joining us virtually.

[*Translation*]

These young people will have the opportunity to chat virtually with members of the Quebec National Assembly and the Nova Scotia Legislature. The organizing committee hopes to expand the scope of the third edition by inviting other school boards from across the country to participate in this important initiative.

[*English*]

Students will be divided into breakout groups and have a parliamentarian assigned to them. They will then be asked to research and analyze an issue of national concern currently before Parliament and tasked with coming up with solutions to some of our country's biggest challenges.

[*Translation*]

I was delighted to participate in last year's edition, which took place virtually, and I was impressed by the arguments our young people put forward and the commitment and intelligence they displayed.

[*English*]

This year, it will be wonderful for some of our colleagues and me to interact with these future leaders in person. I look forward to connecting with them, but, most importantly, I am mostly looking forward to hearing what these bright young minds have to say about some of the most pressing issues facing our country. I hope this immersive experience in the halls of Parliament will give them all an opportunity to further develop and expand their critical thinking and acquire some of the core skills needed to succeed in life, such as active communication, problem solving, meaningful collaboration and a commitment to global citizenship and community building.

It is so refreshing, revitalizing and inspiring to witness firsthand our nation's youth advocate for change and share their views on the issues that matter to them. As legislators, I feel we can learn so much from them. It is important that we listen and engage with Canada's future leaders as we legislate, deliberate and represent them in Parliament.

• (1420)

Honourable senators, it'll be an honour for me to host the second edition of the NextGEN Assembly of Leaders in the Senate next week. Please join me in wishing the 60 youth leaders a most successful and enriching assembly.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of two members from the Royal Newfoundland Constabulary Association, Constable Michael Hunt and Constable Justin Dawe. They are the guests of the Honourable Senator Wells.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

AUDIT AND OVERSIGHT

SEVENTH REPORT OF COMMITTEE PRESENTED

Hon. Marty Klyne, Chair of the Standing Committee on Audit and Oversight, presented the following report:

Thursday, April 20, 2023

The Standing Committee on Audit and Oversight has the honour to present its

SEVENTH REPORT

Your committee, which is authorized, on its own initiative, to supervise and report on the Senate's internal and external audits and related matters, pursuant to rule 12-7(4), respectfully requests funds for the fiscal year ending March 31, 2024.

Pursuant to Chapter 3:05, section 2(3)(b) of the *Senate Administrative Rules*, your committee presents herewith its budget report.

Respectfully submitted,

MARTY KLYNE

Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix A, p. 1406.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Klyne, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

INDIGENOUS PEOPLES

BUDGET—STUDY ON THE FEDERAL GOVERNMENT'S CONSTITUTIONAL, TREATY, POLITICAL AND LEGAL RESPONSIBILITIES TO FIRST NATIONS, INUIT AND MÉTIS PEOPLES—TENTH REPORT OF COMMITTEE PRESENTED

Hon. Brian Francis, Chair of the Standing Senate Committee on Indigenous Peoples, presented the following report:

Thursday, April 20, 2023

The Standing Senate Committee on Indigenous Peoples has the honour to present its

TENTH REPORT

Your committee, which was authorized by the Senate on Thursday, March 3, 2022, to examine the federal government's constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Métis peoples and any other subject concerning Indigenous Peoples, respectfully requests funds for the fiscal year ending March 31, 2024.

Pursuant to Chapter 3:05, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

BRIAN FRANCIS

Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix B, p. 1411.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Francis, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[*Translation*]

NATIONAL DIFFUSE MIDLINE GLIOMA AWARENESS DAY BILL

FIRST READING

Hon. Yonah Martin (Deputy Leader of the Opposition) introduced Bill S-260, An Act respecting National Diffuse Midline Glioma Awareness Day.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Martin, bill placed on the Orders of the Day for second reading two days hence.)

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ARCTIC PARLIAMENTARIANS SUMMIT—
NORDIC AND NORTH AMERICAN COLLABORATION REPORT,
SEPTEMBER 11 TO 13, 2022—REPORT TABLED

Hon. David M. Wells: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-Europe Parliamentary Association concerning the Arctic Parliamentarians Summit — Nordic and North American Collaboration Report, held in Nuuk, Greenland, from September 11 to 13, 2022.

[*English*]

QUESTION PERIOD

PRIME MINISTER'S OFFICE

ETHICS AND TRANSPARENCY

Hon. Donald Neil Plett (Leader of the Opposition): Senator Gold, I know you're waiting for me to ask this in French.

My question, government leader, is a follow up to a question posed yesterday by my colleague Senator Batters regarding the appointment of Minister LeBlanc's sister-in-law as the Interim Ethics Commissioner.

In Question Period yesterday, leader, you defended this appointment. You chastised Senator Batters for undermining the important role the Ethics Commissioner plays in our system. Not long afterwards, we learned that Minister LeBlanc's sister-in-law had, in fact, resigned as the Interim Ethics Commissioner, effective immediately.

Stepping down was the right thing for her to do, but the Trudeau government should never have put her in this situation in the first place. The blame for undermining the role of the Ethics Commissioner falls solely on the Trudeau government.

Now that the minister's sister-in-law has resigned, Senator Gold, do you agree there was indeed a conflict of interest?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. No, I do not. There was an ethics screening that applied to the former interim commissioner from day one, as is the appropriate practice in such institutions in such cases.

I stand by what I said yesterday to defend her integrity, her competency and the role she was asked and agreed to play.

Now that she has decided to step aside, the government will be moving with dispatch to select a new interim commissioner. In that regard, the government will be working with all parties collaboratively to find the right person and to appoint them.

Senator Plett: Well, leader, the Prime Minister appointed an old family friend, neighbour and Trudeau Foundation member to investigate what the Prime Minister himself knew about Beijing's interference, but it's okay because of this man's reputation.

The Prime Minister won't say if he paid $80,000 in accommodations for a luxury vacation in Jamaica, but it's okay because the resort is owned by another old family friend.

Minister LeBlanc awarded a fishing licence to his wife's cousin, but it's okay because he didn't know the cousin all that well.

Mr. Hussen gave $93,000 in contracts to his staffer's sister, but it's okay because it was for communications services.

Ms. Ng gave $20,000 in contracts to her best friend for some Zoom calls, but it's okay because it was for public relations advice.

Do you see a pattern here, leader? Canadians are sick and tired of this. When will this patronage end?

Senator Gold: Thank you for the question. I simply do not accept the characterization that this is patronage. You cited — as you have on many occasions — a flurry of things, which you continue to return to. I won't answer each and every one of them.

The Prime Minister's trip, his most recent vacation, was cleared by the former Ethics Commissioner before the fact. It is not a question of patronage, and I do take objection, frankly, and I'll speak only for myself, to the way in which you characterize our former Governor General in this question and in others.

FOREIGN AFFAIRS

FOREIGN INTERFERENCE

Hon. Leo Housakos: Honourable colleagues, my question is for the Government Leader in the Senate. Senator Gold, although your government has been obfuscating when it comes to implementing a foreign agent registry, the Prime Minister recently tried to appear to support the idea, although at the same time cautioned that it would not be a silver bullet. It's a pattern of this Prime Minister to talk out of both sides of his mouth.

Now, there is a member of your government tabling a petition in the House of Commons calling for the even near idea of a foreign agent registry to be scrapped altogether. The Prime Minister himself is now citing the internment of thousands of Japanese and Italian Canadians during World War II as an example of why the government is taking its time on this issue.

• (1430)

Senator Gold, we have heard those talking points before. We have heard those talking points from none other than Beijing, and its mouthpiece is right here in Canada. Not only does one thing not have anything to do with the other, but why is the Prime Minister resorting to tactics employed by the Communist thugs in Beijing to scare the very people he should be doing more to protect right here in Canada? Why is he doing their dirty work and their heavy lifting?

An Hon. Senator: Hear, hear.

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, the question of whether and how to set up foreign registry is one upon which the government is consulting — and properly so. That there are divergent views within Canada by Canadians on this subject is also to be expected in a diverse society.

The Prime Minister is not speaking out of both sides of his mouth, nor is he acting as a mouthpiece, and to disparage those who are raising questions about the possible collateral impacts of such an initiative at this stage of the consultations, to brand them and sweep them under as a mouthpiece of a Communist regime, frankly, is a disservice to those Canadians who, in good faith, want to see us have the right tools — as this government does — to address foreign interference and to add to the tools we already have and are deploying.

Again, colleagues, the consultations are under way. The government is serious about pursuing this, but it is listening to Canadians, as we would expect it to do.

Senator Housakos: Senator Gold, when it comes to combatting foreign intimidation and interference here in Canada with a foreign agent registry, your government has been kicking that can down the road for quite some time.

An Hon. Senator: That's right.

Senator Housakos: Including with an often-repeated announcement of impending and upcoming public consultations.

I understand that online consultations are under way and that Minister Mendicino did meet with a group of people in British Columbia last week. Even then, members of the diaspora communities were afraid to be found out and to participate.

It doesn't help when your government is raising the spectre of impending internment. It just completely creates an atmosphere of fear amongst Canadians in various diasporas.

Regardless, I'm looking for a straightforward answer here because surely they have a process in place, but my question is this: What happens after this consultative process wraps up on May 9? What are the next steps? Will you commit to tabling in this chamber before May 9 the actual steps that will be taken following consultations on the foreign agent registry and with a specific timeline?

Senator Gold: This government engages in consultations to learn from them; they don't make up their minds before the consultations have been completed and analyzed.

Having said that, you asked for a simple answer. What will happen after the consultations is that decisions will be taken. When they have been taken, they will be announced.

AGRICULTURE AND AGRI-FOOD

TAX POLICY

Hon. Robert Black: My question is for Senator Gold, the Government Representative here in our chamber.

Senator Gold, as we all know, Canadian farmers are the backbone of this country. As an advocate for farmers, processors and rural Canadians, I am particularly concerned about the many ongoing issues that continue to create undue hardship on the agriculture sector. Labour shortages, climate change, ever-changing regulations and supply chain management are just a few.

These issues share one common value, though: increased financial burdens for farmers and their families. Farmers are price-takers, not price-makers. They must continue to compete at market value and often are forced to swallow the costs of decisions beyond their control, and that is why I rise today.

Senator Gold, competition in the market for our farmers is made more difficult by your government because they are charged a tax on a tax. Recently, I received a copy of an invoice from a local farmer in Guelph, Ontario. Trish and Dean Scott reached out to me about the rising costs they are facing on their farm due to being forced to pay taxes on a tax.

Colleagues, not only are they paying the federal excise tax on their diesel and the carbon tax on fuel oil, but they are also paying Harmonized Sales Tax, or HST, on both of these taxes. Let me be clear, this is a tax on a tax — or should I say, a tax on a tax on a tax.

Senator Gold, can you please update the chamber as to why farmers — and, indeed, all Canadians — are being taxed on tax by your government? Will you share with this chamber what the Canadian government is doing to remove their tax on a tax?

Thank you.

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question and for raising the number of challenges that farmers in this country are facing.

I'm glad you mentioned climate change amongst them because, in fact, farmers are on the front lines in dealing with climate change, whether the issue is flooding or droughts or storms. In my own region of the province where I live, my friends who are maple syrup producers did not have the easiest time this year with the tapping of their trees as a result of climate change.

The government is focused on taking environmental action throughout the country while supporting the competitiveness of farmers, who feed Canadians and, indeed, the world. That's why the government has done a number of things. They have already exempted gas and diesel for farm use from pollution pricing. They have created a rural top-up for rebates, directly returning proceeds collected in proportion to the amount collected via the price on pollution, which translates to $100 million returned to farmers in 2021-22 and $120 million in 2022-23. Over the last two years, the government has invested $1.5 billion in programs to support farmers to reduce their emissions on farms and grow their operations. This includes a $0.5-billion program to purchase cleaner equipment, such as more energy efficient grain dryers and barn heating systems.

I could go on, but I think this demonstrates this government's commitment.

Again, as I said on many occasions in this chamber, we are doing the right thing by our planet, by our environment and, indeed, by our farmers — who are the victims of climate change as much as any of us — while at the same time, the government is doing its best to offset the impact of these necessary measures on those, like farmers, who are paying a price.

JUSTICE

CHARTER OF RIGHTS AND FREEDOMS

Hon. Andrew Cardozo: My question is for the government leader in the Senate and it concerns the Canadian Charter of Rights and Freedoms.

This week was the forty-first anniversary of the Canadian Charter Rights and Freedoms. This document, which is embedded in our Constitution, is one of the key statements about who we are as Canadians, our society and our values, and includes gender equality, Indigenous rights that date back to the Royal Proclamation of 1763 and freedom from discrimination based on race, national or ethnic origin, colour or religion. Yet, we run the risk of this foundational declaration being frayed at the edges with the use of the "notwithstanding" clause and the attacks on minority rights, whether in the courts, in slogans or online campaigns.

Senator Gold, what is your reading about how secure our Charter of Rights and Freedoms is, and what do you think needs to be done to defend its sanctity?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question.

The Charter has been a fundamental transformative element in our Constitution since its enactment in 1982, and in that regard, it has had impacts that even surpassed the expectations of those who lobbied for it and worked hard to see it come to light.

It has transformed the work that we do here in the Senate. It has been an increasingly present part of our discussions and our role as we see it as senators to make sure that the Charter rights of Canadians are taken properly into account and respected in the laws that we are called upon to study and ultimately pass.

It is true that the pre-emptive use of the "notwithstanding" clause is something that is a preoccupation to many of us and, indeed, this government, as the Prime Minister has announced on many occasions.

The "notwithstanding" clause is — we have to remind ourselves — part of the Charter and was part of the bargain that allowed the patriation of the Constitution to happen. It is the government's position that it should be used appropriately, and not irresponsibly, and in that regard, this issue is currently before the courts, as you know.

I have confidence, though, that the Charter has transformed the way we Canadians see ourselves in many different ways, and I believe it is secure in that regard. It is certainly secure in this chamber.

Senator Cardozo: There are some who believe that the Charter ensures this new thing, "the right to offend." There are others in last year's convoy who believed that they had the right to park their rigs in front of the Parliament Buildings forever, because it was in the Charter. It seems that we are seeing the rise of polarization, extremism and anarchy.

Does ensuring human rights into the Charter allow for anarchy?

• (1440)

Senator Gold: Senator Cardozo, you're dragging the law professor out of me, aren't you?

One of the contributions that the Canadian Charter made to public discourse about rights is to make it clear, through section 1 of the Charter, that rights, however expansively they might be drafted in text, are not absolute in the sense that they are not subject to other countervailing rights, interests or considerations. In that regard, our Charter, like all charters, recognizes the necessity to place parameters and limits around the exercise of rights that would otherwise be unbounded.

It is a premise of our Constitution, and not only because the preamble says "peace, order and good government," that our Constitution and our institutions exist to provide for order and liberty, freedom and justice. From my understanding of what you meant by "anarchy," I think it is inconsistent with those. I think the Charter is there to protect those rights that need to be exercised in the context of our liberal democratic constitutional framework.

[*Translation*]

FOREIGN AFFAIRS

PRIME MINISTER'S TRAVEL

Hon. Claude Carignan: My question is for the Government Representative.

Government Representative, I asked you a fairly straightforward question on Tuesday. You said that you would get back to me with an answer. It's a simple question. I'm sure

that if I asked any senators who are staying in hotels whether they paid for their hotel rooms after checking out this morning, they would all be able to answer yes or no fairly quickly.

I used to serve as Government Representative, and I know that a government representative has easy access to the Prime Minister. In my case, I met with him at least twice a week. It would be easy to ask the Prime Minister, "Did you pay for your hotel room?" Do you have an answer? Can you confirm that the Prime Minister paid for his hotel room? I'm still talking about Prospect Estate and Villas, in Ocho Rios, Jamaica.

Hon. Marc Gold (Government Representative in the Senate): The short answer is no, I don't have an answer.

Senator Carignan: Government Representative, the room at Prospect Real Estate Villas in Ocho Rios is available next week. A seven-day stay would cost $53,541. Unfortunately, the Senate is in session, so I won't be able to go. Why does the Prime Minister tend to pick hotel rooms that cost more than $6,000 a night? Why does he need a hotel room that costs more than $6,000?

Senator Gold: Unfortunately, as I said, I do not have an answer to that question.

[*English*]

PRIME MINISTER'S OFFICE

MANDATE OF THE INDEPENDENT SPECIAL RAPPORTEUR

Hon. Denise Batters: Senator Gold, this scandal-plagued Prime Minister continues to appoint his close family friends and Trudeau Foundation connections to get him out of hot water. Prime Minister Trudeau repeatedly puts Special Rapporteur David Johnston in a terrible spot, and now the Prime Minister has structured Johnston's mandate so that he appears financially incentivized to find there should not be a public inquiry on Beijing election interference.

Mr. Johnston will be compensated $1,600 a day for his efforts, in addition to the lifetime annual $150,000 Governor General pension he collects. If he determined in May that there should be a public inquiry, his special rapporteur services would no longer be required, and his per diems would stop.

Senator Gold, it seems contrived to paper over the truth: Why won't the Prime Minister come clean with Canadians and just call a public inquiry?

Hon. Marc Gold (Government Representative in the Senate): Wow, Senator Batters, to suggest that the Honourable David Johnston, the former Governor General, would be influenced by a per diem — and you were a lawyer, perhaps not on Bay Street — that is the equivalent of a few hours of work for professionals — but for any amount.

To suggest, imply or assert that somehow the Honourable David Johnston would be influenced by his per diem and that it would change the advice he would give the Prime Minister is really something that — I cannot find the parliamentary language to express how it makes me feel to hear this being treated with seriousness and that you are asking me to respond to a question like this. With all due respect, it does not dignify a response.

Senator Batters: Senator Gold, it's how the mandate is structured. The terms of reference for Mr. Johnston's mandate are massive, including investigating foreign election interference now and historically; studying all communications between the PMO, Trudeau's ministers and their offices on this issue to find out what they knew, when they knew it and what they did or didn't do about it; determining what Canada's security intelligence services recommended to fight foreign interference; resolving any outstanding questions not dealt with by the National Security and Intelligence Committee of Parliamentarians, NSICOP, and the National Security and Intelligence Review Agency, NSIRA; recommending:

> . . . changes in the institutional design and co-ordination of government assets deployed to defend against or otherwise deal with such interference; and
>
> To report on any other related matters of importance.

How on earth could one person do all those things? I guess that's why they needed a special rapporteur. Mr. Johnston is supposed to do an interim report on all this by May 23, then continue "rapporteuring" until October 31.

However, if he were to decide next month that there should be a public inquiry, what would be left to "rapporteur" on? Prime Minister Trudeau has structured Mr. Johnston's mandate to try to placate Canadians and replace a public inquiry by putting a less transparent process in the hands of a trusted family friend and Trudeau Foundation member.

When will this government drop the smoke and mirrors and just call a public inquiry?

Senator Gold: As I have stated on a number of occasions, the Special Rapporteur the Honourable David Johnston will be advising the Prime Minister. When that advice is given and considered, decisions and announcements will be made.

FOREIGN AFFAIRS

UNITED NATIONS ARMS TRADE TREATY

Hon. Marilou McPhedran: Senator Gold, After more than eight years of armed conflict in Yemen, damning evidence reveals human rights violations and breaches of international humanitarian law by all warring parties, including the Kingdom of Saudi Arabia, which has led a military intervention in Yemen since March 2015 and has conducted widespread attacks against civilian targets.

Since the beginning of the war, Canada has exported more than $8 billion in weapons to Saudi Arabia, including the types of arms deployed in battle. Since I previously questioned the government through you, multiple reports by expert international monitors have specifically denounced Canada's continued arms exports as perpetuating the crisis.

Through an access-to-information request, there was recently a report, internal to Global Affairs, that further documented that Canada discusses internally the economic value of continuing with this practice with Saudi Arabia. These arms transfers violate Canada's obligation under the Arms Trade Treaty to which this government acceded in 2019. Under Article 11, Canada is obligated to take measures to prevent diversion of its arms exports to third countries. While other countries have ceased their arms exports, Saudi Arabia is now the top non-U.S. destination for Canadian weapons.

Senator Gold, why won't Canada comply with its obligations under the Arms Trade Treaty by ending its arms exports to Saudi Arabia?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question and for underlying the tragedy happening in Yemen. I wish that were the only place such things were happening.

Since 2020, the government has put into place a process whereby permits for exports of arms are not granted automatically but need to be reviewed on a case-by-case basis. Canada continues to do that. It is the position of the government that it will continue to do that to ensure that this industry is carried on in a responsible way.

• (1450)

Senator McPhedran: I have a quick question. The document that was recently revealed by the publication The Breach — through the access to information — indicated that Global Affairs Canada was emphasizing how Saudi Arabia is an important market for Canadian companies, including through large infrastructure contracts for SNC-Lavalin and Bombardier.

Could you help me understand how this fits with Canada's feminist foreign policy?

Senator Gold: That is a good question, but I don't really have the ability to answer it adequately. Our relationships with the world — whether it's commercial, political, strategic, intelligence sharing or others — are complex, polycentric and multi-faceted. In that regard, there is, no doubt, going to be tensions, pushes and pulls between the various objectives that characterize our foreign policy.

Canada's feminist foreign policy is a serious engagement by this government, and, indeed, it is emulated and admired by others, and will continue to be, notwithstanding the fact that we live in a complicated, messy world — and our actions on behalf of Canadians, companies and individuals may not always line up with everyone's expectations of what the priority should be.

JUSTICE

CANADIAN BROADCASTING CORPORATION

Hon. Donald Neil Plett (Leader of the Opposition): Leader, at the same time that the CBC was covering the 2019 federal election campaign, it also chose to launch a lawsuit against the Conservative Party of Canada over video clips and ads. On May 13, 2021, the Federal Court of Canada dismissed this lawsuit with costs.

During Senate Question Period on June 1, 2021, I asked:

> How much has the CBC cost taxpayers for this? How much will the CBC pay the Conservative Party? Has anyone who was responsible for bringing forward this ridiculous lawsuit been fired from the CBC?

I have yet to receive an answer. A similar written question that I put on the Order Paper on May 25, 2021, remains unanswered. These are events that happened two years ago, leader. The CBC knows the answers to my questions.

Over two months ago, on February 14, I asked you about this again, and you said you would make inquiries. What did you find out? How much did it cost the taxpayers?

Hon. Marc Gold (Government Representative in the Senate): Well, I don't have an answer to your questions, and I'm not the CBC representative in this place. I know it has become rather common in some quarters — notably in your party — to assert that the CBC is an organ of Liberal government propaganda, despite all evidence to the contrary. Despite the facts, despite the protestations, I guess in this new world — that some live in — the facts don't seem to matter.

I have made inquiries. I don't have a response.

Senator Plett: Ten days before Canadians voted in the 2019 federal election, the CBC used tax dollars, government dollars — you are the Government Representative, or the Leader of the Government, in the Senate — to sue the Conservative Party. The CBC continued to pursue this lawsuit for a year and a half before it was tossed out. By not answering my questions, the CBC has hidden the financial costs from Canadians ever since.

Are we expected to believe it's just a coincidence that the video clips the CBC objected to were critical of Prime Minister Trudeau and his government? For example, one of the clips that the CBC didn't want voters to see was taken from a public town hall meeting in Edmonton in early 2018. The Prime Minister famously told a veteran that they were asking for more than his government could provide. His shameful comments were widely reported. The CBC sued the Conservative Party anyway.

This week, the Prime Minister claimed the CBC is a foundational Canadian institution. Is hiding information from the public for two years the way a foundational institution should behave — yes or no, Senator Gold? How much did the lawsuit cost?

Senator Gold: The decision of the CBC to pursue a lawsuit against the Conservative Party, or anybody else, is a decision made by the CBC, and has nothing to do with the government.

The question of where the money came from, whether it came from ad revenue or taxpayer revenue, as you have asserted without knowledge one way or the other, is also a matter for the management of the CBC and, by extension, the board of directors of the CBC — not for the Government Representative in the Senate.

ORDERS OF THE DAY

ONLINE STREAMING BILL

BILL TO AMEND—MESSAGE FROM COMMONS—
MOTION FOR CONCURRENCE IN COMMONS AMENDMENTS AND
NON-INSISTENCE UPON SENATE AMENDMENTS—
MOTION IN AMENDMENT ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Gold, P.C., seconded by the Honourable Senator LaBoucane-Benson:

That, in relation to Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts, the Senate:

(a) agree to the amendments made by the House of Commons to its amendments; and

(b) do not insist on its amendments to which the House of Commons disagrees;

That the Senate take note of the Government of Canada's stated intent that Bill C-11 will not apply to user-generated digital content and its commitment to issue policy direction to the Canadian Radio-television and Telecommunications Commission accordingly; and

That a message be sent to the House of Commons to acquaint that house accordingly.

And on the motion in amendment of the Honourable Senator Gagné, seconded by the Honourable Senator Tannas:

That the motion be not now adopted, but that it be amended by replacing, in the second paragraph, the words "stated intent" by the words "public assurance".

Hon. Donald Neil Plett (Leader of the Opposition): I think the amendment is adjourned in my name, Your Honour, but I will withdraw that. I will defer to Senator Housakos, who I think has a few words to say on the amendment before we're ready for the question.

Hon. Leo Housakos: On debate on the amendment as proposed by Senator Tannas — again, I thank Senator Tannas for always gracefully trying to find compromises in this place. There also comes a point in time when we, as legislators, have heard such an outcry from so many Canadians regarding particular government legislation — like Bill C-11 — that I think we have an obligation, both constitutional and moral, to ensure those voices are heard.

I want to remind members of this chamber that our committee, the Standing Senate Committee on Transport and Communications, did a very robust study. We did a deep dive into Bill C-11, despite pushback, as many of us know, both from the government and, on many occasions, from the other side. There was an unwillingness to hear from all witnesses.

Throughout the process of the study, we saw how digital-first creators in this country were cajoled, intimidated at times and threatened, both at committee in the other place and in the media. You can't deny that, Senator Gold; you can't. It's all on the record. Witnesses came before the committee, and they have corroborated this. I'm not making it up. Read the report, colleagues, because we had 140 witnesses come before our committee. We heard close to 70 hours of testimony. In addition to the 140 witnesses, we had 67 additional written briefs. This was an unprecedented, in-depth study where we heard from many people. The outcome, as we all understand, is far from unanimous when it comes to Bill C-11.

Digital-first creators are a growing industry. It's millions of Canadians — individuals from all walks of life — who find the digital platforms that they are currently propelling their work, art and communication from as an essential part of their lives. It is an essential part of our lives. They have concerns that need to be addressed in this bill and in the law.

I have now been in this place long enough to know that when successive governments are not keen on proposals being put forward by this chamber, they send us off to put observations in bills. They give us vague letters, commitments and promises in this place about how they are committed to looking at something and ensuring that the voices in the Senate will be heard.

I remember a few years ago when we passed an important bill — by MP Todd Doherty on PTSD — that I had the privilege to sponsor in this place. We all supported that bill unanimously, if you remember — great intentions. I learned a lot. What I learned is that, from now on, when you put forward private members' bills asking for a framework or particular initiatives from government, you'd better have a timeline.

Guess what has happened since we unanimously passed the call for a framework on PTSD? Absolutely nothing. Three years later, first responders are still suffering. Of course, the argument will be that you can call in the minister or the deputy minister. Senators, we can cry after the fact. The truth of the matter is we

did some goodwill legislative work on that bill. We have first responders in this country who are still calling me — their parents, wives, husbands and children — and they are in pain.

• (1500)

Let's learn from our previous experiences. Let's not keep doing the same thing over and over again. When you do the same thing over and over again, that is the definition of insanity. That is when things don't get fixed in this town, and then all we do is go back to these stakeholders and we give excuses for why things haven't been fixed.

This is our time. This is our moment to stand up for the millions of people who came to our committee. The government claims it rejected the amendment that would have scoped out user-generated content because they want to afford the CRTC flexibility through the consultative process on the regulatory framework. They're sacrificing clarity in the law itself to supposedly ensure clarity in the consultative process. Does that make any sense to anybody here?

The government also cited that they considered a loophole that, should the amendment pass in it, it would allow platforms like YouTube and TikTok to profit from carrying events like the World Cup or the Eurovision Song Contest without then investing in Canada's cultural landscape. That is the government's example.

When these platforms carry these events, or carry something like Major League Baseball, they do so under rights agreements with rightsholders. It is not user content but content uploaded by the provider themselves under licence, and is covered by section 4.1(2)(a). In other words, the use is already subject to the law and not impacted one iota by this Senate amendment.

Senator Gold also contradicts himself in his assurance that user-generated content isn't scoped in by stating any content that is uploaded by users that contains music isn't in the scope of the regulation. He said that in his speech.

The Weeknd is an artist that I just discovered during this study, which my kids are very much into — he, The Weeknd. I always thought the weekend was Saturday and Sunday, and for us senators Friday, Saturday, Sunday as well, but that is another story.

When kids do dance challenges to a song by The Weeknd, the government explicitly wants that to be in scope, which is precisely what the music label said they did not want to be in scope.

Even in explaining their reasons for rejecting the most consequential and meaningful Senate amendments — which, again, thousands of digital-first providers requested us to put in — this government is once again contradicting itself.

Furthermore, all of this is nonsense, because amending section 4 as the Senate has done has no bearing on the government's ability to collect money from platforms. Section 4 isn't about financial obligations; it's about programming obligations.

It is actually section 11 that establishes the regulatory power to mandate financial obligations on companies like YouTube and TikTok, and is separate from the content regulation provisions found in section 4.

For the government to state that amending section 4, as Senator Gold said yesterday, in the manner that we have in any way prevents them from establishing financial obligations is completely hogwash, or I should say wrong, and nowhere near a justification for rejecting the Senate amendments to protect user-generated content and protect Canadian creators and their livelihoods.

Colleagues, streamers, bloggers and the new digital world is creating billions of dollars of revenue for the government, billions of dollars of investment for arts and culture in Canada. Again, our committee heard unprecedented testimony about how arts and culture in Canada in 2023 is at an unprecedented level — robust growth. If anything, there are not enough artists, actors, producers and Canadian capital to keep all our artists in this country busy making films and documentaries.

We've never seen more choice before than we now have on platforms when it comes to independent journalism and bloggers because they no longer need permission from the CRTC. They no longer need permission from Canadian Heritage. They no longer need to get money from the Canada Media Fund or the National Film Board of Canada. They get it from different sources because there is unlimited potential and possibility when it comes to these platforms.

Colleagues, again, I want to wrap up by saying, as much as I appreciate the intent from Senator Tannas — I think there is goodwill there, as this institution and this body has always shown in my years of being here with two successive governments now — at the end of the day, please forgive me — and this is not a partisan comment — I just do not trust when government says, "Trust us, we're going to take care of it," or, "No, no. You don't need to put it in the bill." I've been had many times before, Senator Tannas. We both have been here for a long time. I have seen this movie before.

Colleagues, we have a constitutional right — an obligation — to stand up and to tell the government to please reconsider this. We've heard this before. We have millions of Canadians that want it in black and white in this law.

Thank you very much.

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion in amendment of the Honourable Senator Gagné agreed to, on division.)

BILL TO AMEND—MESSAGE FROM COMMONS—
MOTION FOR CONCURRENCE IN COMMONS AMENDMENTS AND NON-INSISTENCE UPON SENATE AMENDMENTS—DEBATE

On the Order:

> Resuming debate on the motion, as amended, of the Honourable Senator Gold, P.C., seconded by the Honourable Senator LaBoucane-Benson:
>
> That, in relation to Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts, the Senate:
>
> (a) agree to the amendments made by the House of Commons to its amendments; and
>
> (b) do not insist on its amendments to which the House of Commons disagrees;
>
> That the Senate take note of the Government of Canada's public assurance that Bill C-11 will not apply to user-generated digital content and its commitment to issue policy direction to the Canadian Radio-television and Telecommunications Commission accordingly; and
>
> That a message be sent to the House of Commons to acquaint that house accordingly.

Hon. Pamela Wallin: Honourable senators, to begin, a few thoughts on the Senate's constitutional powers, rights and obligations that have been conveniently redefined in the context of a government simply wanting its bill passed.

Legislation in Canada must be approved by both houses. We are here to offer thoughtful critiques of legislation, to hold governments to account and to resist unnecessary aggregation of power by governments.

We are not required by law, or the Constitution, to defer to the elected house. They have rights and authorities and so do we.

Sober second thought is not just a turn of phrase, it's our obligation. Our amendments are not just the whims of an appointed talk shop. We are parliamentarians. We are members of a legitimate house with a legitimate voice and a valid contribution to make. We are not just to be tolerated, patted on the head or told what a good job we've done at committee and then go to our room.

In the elected house, government members ran roughshod over the committee process and the consultation process. The arrogance was shocking. We here in this chamber had no choice but to offer Canadians a voice and a place to express their legitimate concerns about this unprecedented piece of legislation. They were heard, and our amendments were based on that testimony.

I am profoundly disappointed that the government rejected the most important amendment. This is not a numbers game. Yes, the government accepted some of your amendments, so count that and be happy. The one that was rejected was core to the bill. Our colleagues Senators Miville-Dechêne and Simons, who share many of the similar concerns that I and others have with this bill, proposed wording that would offer a generation of content creators assurances that they would not be captured under the provisions of this bill and, by extension, the regulatory and financial powers of the CRTC.

The government has said that content creators were not intended to be captured in this bill. We offered them the wording and they explicitly rejected that opportunity. Academics, experts and, of course, the content creators themselves have raised concerns that the bill will, in fact, regulate under its provisions, if the government so chooses to do so, their entire sector.

If the government was serious about ensuring that content creators would not be subject to the overreach, then put it in the law.

I believe the government's rejection justification, the document put forward by Senator Gold, indicates their true views. They want the power today and in the future to assert more control over online content that is, of course, shared over the internet.

The message on why the amendment was rejected stated:

> . . . because this would affect the Governor in Council's ability to publicly consult on, and issue, a policy direction to the CRTC to appropriately scope the regulation of social media services with respect to their distribution of commercial programs, as well as prevent the broadcasting system from adapting to technological changes over time;

• (1510)

Perhaps you could only understand what that means if you sat through the dozens — perhaps hundreds — of hours of our committee process, but it is a cynical power grab. With all due respect to Senator Simons, it is more than just a small impingement on free expression; it implicitly threatens it. They may not have intended to, but in their language, they have belled the cat and admitted to what their intentions were all along.

It is clear that the government wants the power to direct the Canadian Radio-television and Telecommunications Commission, or CRTC, on user content today and maintain that power to regulate it into the future. This power will be granted to this government and every government that follows, giving them all the ability to direct CRTC policy over — among other things — Canadian content without even defining what that means. The government should be in the business of promoting and protecting selected content. Directing CRTC policy to disqualify other content is extraordinary.

In the absence of the Senate amendment, the bill continues to cover podcasts, YouTube videos and other types of content that has yet to be created. The government is looking to be able to regulate new avenues or types of user content that doesn't exist without even going back to Parliament for debate, review or study. As some ministers have already hinted during this years-long debate, they want more control over content they might disagree with or that they might want to restrict because it criticizes the government. This is not some conspiracy theory. This is what some of them have said out loud and on the record.

If anyone thinks that forcing an ever-larger regulatory burden on streaming services and content creators — and ultimately giving the government of the day the ability to direct CRTC policy to control content — is somehow giving us better content and greater access to a wider range of information, no, it does no such thing. It is the antithesis of democratic and free expression.

Forcing Canadian content quotas through the so-called concept of discoverability, these are also, in addition to the concerns I've raised, overly and overtly protectionist policies that will benefit few and serve as a detriment to many. It is fundamentally at odds with the concept of an open internet.

I'd like to acknowledge the rigorous work done by my colleagues here in the chamber and at committee to try and make this bill better, to make it more palatable for Canadians as well as fair and more realistic for content creators. While we are the chamber of sober second thought, and while the government has rejected our most important change, I maintain that if their stated intentions were actually reflected in their own bill, they would have found support in this place. But I cannot in good conscience support this. If you were looking for a democratic imprimatur, we offered you that — an opportunity to make the words and promises the actual law of the land. Thank you.

Hon. Andrew Cardozo: Honourable senators, it is a real pleasure to rise to speak to Bill C-11 as it returns to the Senate. This bill is timely and necessary as it updates the Broadcasting Act, which was enacted more than 30 years ago in 1991 at the dawn of the internet and before online programming was a thing. Having worked under the 1991 act many years ago while I was a CRTC Commissioner, I am extremely aware of the need for this updating.

At this stage of the bill, our task is to focus on the 26 amendments made by the Senate and the 20 of those that the House of Commons approved earlier this month. Twenty-six, in my view, is a high number of amendments. It is 77% of the amendments that we sent them that have been approved by the House of Commons.

The process for this bill, regardless of the outcome of the Senate vote, is a textbook case of how our bicameral system works — the good, the bad and the ugly. A minister introduces a bill in the House, the relevant House committee makes several amendments, the bill passes the House and comes to the Senate. After sober second thought on our end, we make more amendments and send it back to the House. The elected MPs accept most of our amendments, and it comes back to the Senate. Now we discuss the amendments that were passed, as well as those that were not passed and then we vote on it. At this point, it either goes back to the House or goes on to the Governor General for Royal Assent, proclamation and implementation.

That said, it is also a textbook case because of the high political drama it has encountered, replete with many delay tactics and fundraising off the process over many months. The degree of misinformation and disinformation has been enormous, but it is still an interesting case where we have seen a massive online campaign over the last few months. This is either an exception to the norm of constructive policy-making or, in fact, the "new normal" that will eliminate constructive policy-making in favour of divisive, partisan and extra-parliamentary campaigns. It is a sad situation where facts are replaced by ever-increasing scare tactics and polarization.

I support passing this bill because it is high time the old act was updated to address the online world given the rapidly evolving state of the audio-visual production sector and the ever-increasing presence of global web giants. This amended act includes most of what is necessary in the online world that has become so prominent since way back in 1991.

These are the fault lines that I see in the debate. The discussion comes down to, on the one hand, a modicum of oversight by a body which operates under the authority of a democratically elected parliament and government versus a wild west controlled by the web giants like YouTube, Netflix and Amazon Prime. It is Canadian democracy and government in action versus the constantly changing whims of international billionaires who have demonstrated little or no care for people or society, let alone for Canadians. Unlike a public sector Canadian agency, we have no recourse over these web giants whatsoever.

Despite the many messages that have been sent to us, whether they are real or algorithm-generated, this bill does not threaten user-generated content. It does not threaten freedom of speech, freedom of religion or this new buzz thing called "freedom to offend," which I think will be transformed into something called "freedom of hate" and soon people will want these supposed rights and freedoms embedded in the Charter.

Clause 2 in Bill C-11 explicitly states that users of social media services who upload programs for sharing with others and who are not affiliated with the service will not be subject to regulation, and clause 4 stipulates that the act will not apply to programs uploaded to a social media platform by unaffiliated users of the service. These carve outs in clauses 2 and 4 mean that social media users will be able to share their content without being regulated by the CRTC.

With respect to freedom of speech, clause 12 states that the commission must act in a manner that is consistent with the freedom of expression enjoyed by users of social media.

In my view, this has never been about the CRTC versus the people. How naive can we possibly get? Have the web giants completely taken over our ability to think? Do we all think they are as pure and innocent as the driven snow and that democracy is the devil incarnate?

• (1520)

Let's be clear, when you look at support for online content, the numbers you see from social media are secret and can easily be created by fully manipulated algorithms riddled by bots and trolls.

Rather, as we live beside the United States, this bill is about Canada, who we are and who has jobs here. Canada has long been in a constant and uphill battle to build Canadian culture, to build our cultural industries, to grow our cultural audiences. It is about our country, our jobs and who we are. With the growth of the online world, this battle has simply become more urgent, pressing and difficult.

Now a word on the CRTC, spoken as a former CRTC commissioner: While some people have quoted a past chair and a past national commissioner as opposing Bill C-11, I would point out that the most recent former chair, Ian Scott, and myself, a former national commissioner, are fully supportive of it. That simply illustrates that governments appoint a variety of people to the commission. It highlights that the CRTC is a dynamic organization that is connected to society and consists of Canadians who have various views and are passionate about the issues they address. And don't even ask me to get passionate about this.

A word about the process of decision making at the CRTC: Keep in mind that commissioners are appointed by the government to be in office for five-year terms. All their biographies and term lengths are on the website. All CRTC decisions are based on public processes in which all Canadians are invited to participate and express their views, not on secret dealings, unfathomable algorithms, foreign governments, political parties or multinational corporations.

While as senators we can meet lobbyists until literally the last minute before a vote is taken, the CRTC commissioners have to stay clear of discussing matters from the day a public process begins, and every communication has to be on the public record — no secret conversations.

I have to tell you about one incident I recall when I was at the commission, fairly early in my term there. We were having a hearing with two competing applicants for a Christian television station. It was an intense competition, and let me just say that they were not being terribly Christian to each other. They were not turning the other cheek, as the Bible would ask them to do.

I was followed into the men's room at least twice on two breaks as people tried to bend my ear about issues to be raised in the hearing. I had to explain to them that lobbying takes place in the lobby, not in the washroom. Second, if I received information in the men's room, I would have to disclose that upon returning to the hearing room and might have a bit of a difficult problem to explain where and how I would receive such information.

I was new to the commission. I was a bit concerned about my reputation at that point.

The bottom line is that all communications have to be on the public record for all to see; no secret conversations.

Now, here's the thing about regulating technology as stated in the 1991 act: It needs to be flexible. The CRTC was able to regulate and, in fact, regulate to ensure that Canadians had access to the internet, largely through one generally worded section. Section 5(2)(f) simply says:

> (2) The Canadian broadcasting system should be regulated and supervised in a flexible manner that . . .
>
> (f) does not inhibit the development of information technologies and their application or the delivery of resultant services to Canadians;

This is something that was put in there in 1991. People had no idea what the internet was going to be, and yet those few words, "does not inhibit the development of information technologies," allowed the commission to regulate the internet to the extent that it does by the use of subsequent regulations.

Please allow me to give you one concrete example of how the act and regulations working together make things happen. The example I want to share with you is APTN, the Aboriginal Peoples Television Network, licence, which was provided in a hearing following 1998-99.

The act states in section 3(1)(d)(iii) that the broadcasting system should reflect ". . . the special place of aboriginal peoples within . . . society . . . ."

That was the hook the applicants were able to apply on, and that was the hook on which we were able to give them a licence. Then you get into the details, and this is where the regulations came in, because we had to consider three kinds of content: Canadian content, French-language content and Indigenous programming. This was a channel that was promising to have Indigenous programming.

Had those numbers been defined in the act, we would not have been able to do what we did. What we did was to come up with a formula where there would be a large amount of Indigenous programming — something like 90% — Canadian content a bit lower than normal because there was not much Indigenous programming in Canada at that time. There had not been a national television system, and, therefore, there was not much Canadian-made Indigenous programming.

We also wanted there to be some French-language programming, since there was going to be just the one station. By being able to have the flexibility to lower Canadian content at the beginning to ensure that there was Indigenous content that they were able to get worldwide, we were able to give them a licence.

The other thing we were able to do is there were regulations around the carriage. On the one hand, we gave them a mandatory fee — that everyone who gets APTN would pay a fee of 18¢ a month — as well as mandatory availability.

Now, every channel in Canada either has a fee, such as CBC News Network or Sportsnet, or they have mandatory carriage, such as CBC or CTV. No one else had both. But because these were regulations, we were able to use both to provide APTN the licence which ensured they would be viable.

Here is the thing about the act and regulations: If you included all the regulations in the Broadcasting Act itself, it would have to be much longer for one thing, and it would be almost impossible to change as technology and the needs of Canadians change.

To put this in clear terms, the laws of Canada created by the act passed by both the House of Commons and the Senate tend to stay in place maybe 15, 20 or 25 years — in this case 30 years — at a time. Regulations made after full consultations are easier to change and update.

As I wind up, I want to say this: Once Bill C-11 is passed and its intent is clear and carved in stone, the consultations will take place, and the regulations will be made. I do think that this bill creates the correct balance, a logical balance, about what is in the act and what will be in the regulations. The more you put in the act, the less you will have flexibility to reflect change in technology and the needs of Canadians.

I have a few other points I would have liked to have raised just to quote from members of Parliament and political parties that have promised to do this precise bill, but in the interests of time, I will end there. Thank you.

Hon. Leo Housakos: Will Senator Cardozo take a question?

The Hon. the Speaker pro tempore: Like yesterday, we are almost out of time.

Senator Housakos: I will question him in private over a cup of coffee later.

Hon. Brent Cotter: Honourable senators, I wish to speak briefly in support of the Senate message respecting Bill C-11, as amended by language proposed by Senator Tannas and endorsed, as I understand it now, by the Government Representative.

While I would have preferred support in the other place for all of the amendments that the Senate proposed to Bill C-11, in my view, the acceptance of most of the amendments, combined with a stronger commitment or expression of commitment to independence of user-generated content, meets the legitimate expectations of this chamber.

My remarks will be focused less on the bill itself — Senator Cardozo did a great job of addressing those questions — but more on the institutional role of the Senate and the limitations of that authority in our constitutional framework — the partnership, if you will — between this chamber and the other place and Canadians.

• (1530)

Let me start with a metaphor. Many of us are in romantic relationships. I want you to imagine that in such a relationship you have agreed that your partner or spouse gets to decide each summer where you take your vacations. This year, your spouse or partner indicates that the plan is that you will vacation for two weeks on Prince Edward Island. You listen but indicate to him or her that you would prefer two weeks in Regina.

The reply from your spouse or partner is, "Okay, I listened. I will adjust the plan. We will spend a week on P.E.I. and a week in Regina. Since you like the beach so much, we'll get a cabin near the ocean." You hear the reply and respond, "No, I really want us to go to Regina for two weeks." Not surprisingly, he or she responds, "Which part of 'I get to decide on vacations' do you not understand?"

More significantly, this way of reaching — or not reaching — decisions can strain and, eventually, potentially jeopardize the whole relationship.

In the context of the relationship — or institutional partnership — between the Senate and the other place, questions of this nature are significantly more important. And the terms of the agreement on "who gets to decide" is a deeply embedded form of agreement — not a conversation between the leadership of the two houses but an agreement embedded in the constitutional architecture. It is a non-negotiable set of terms of the relationship.

On the question of who decides and how many times the partner without the final decision-making authority can say, "No, I want to go to Regina," there are a few markers.

I am not an expert on these questions, but I am indebted to others for guidance on this fairly grand question. I would like to make a few acknowledgments first. The magnificent Senate book, *Reflecting on Our Past and Embracing Our Future*, edited by Senator Seidman and former Senator Joyal, offers guidance on the Senate, its authority and the limits on its authority. Professor Emmett Macfarlane recently published a book called — not a particularly elegant title — *Constitutional Pariah*. I also refer to the Supreme Court of Canada decision in *Reference re Senate Reform* in 1914, and the material available on the scope of upper house authority written about and analyzing the Salisbury Doctrine, gathered for me by the Library of Parliament. Senator Quinn's own staff has done work on this, and I am indebted to that work.

Parenthetically, I recommend these and probably other background materials, and I wish I had read them when I first arrived in this place.

The principle with respect to Salisbury — I will mention just briefly — has a very specific history in the British House of Lords, but it is essentially this: that the upper chamber should show deference to the elected house's policy and legislative agenda, particularly if they are part of an election platform to which the governing party made commitments.

Now to my points. I'll not argue that the Salisbury principle is a convention entirely applicable to our framework, but it does offer guidance on what I will call the limited democratic authority of a non-elected house of parliament.

In a much more profound way than my continued objection to vacationing on Prince Edward Island, the continued objection to the will of the other house challenges the relationship itself, and it's useful to keep in mind that the structure of the relationship is actually a bargain between parliamentarians collectively and the people we represent — and something that we tinker with at our peril.

The basic argument that implicitly represents the foundation of this bargain is that the will of the elected body represents, in an instrumental way, the will of the people. And if the will of the elected body gets it wrong, there is a political mechanism — elections — by which the members of the elected body and the government that leads that elected body can be held accountable. This cannot be said to be the case of this non-elected chamber.

I have one other point to make about this logic but want to inject, at this point, two observations that I think are highly relevant to this chamber.

We have a degree of independence and a freedom from accountability highly different from the other place and different from nearly every other public institution in our country. As was discussed as recently as yesterday in the discussion on the issue initially raised by Senator Downe, a combination of the principle of parliamentary privilege, the expectations upon senators to speak up boldly and strongly and the limited authority of the Speaker to regulate remarks identifies a remarkable degree of independence for senators.

On this point, some have argued that this expands our "freedoms" as senators, so to speak. In my view, the opposite is true; that is, it requires us not to expand the scope of our freedom from constraint but to personally self-regulate that authority for the sake of and out of respect for the institution itself.

Such is the case, too, with institutional decision making by the Senate, such as whether to continue to press its view with respect to aspects of the amendments to Bill C-11 which were not adopted by the other place. That is, "I still want to go to Regina on vacation."

The second observation I would make is that a more muscular and non-elected Senate, asserting its will in the form of — let me call it — "sober third thought," particularly driven by political perspectives, has a potential boomerang effect. In this respect, at some point, there will be a change of government. Some hope soon.

An Hon. Senator: Hear, hear.

Senator Cotter: Some hope either later or not at all.

An Hon. Senator: Hear, hear.

Senator Cotter: But eventually that will occur. At that point in time, the opposition leader will cross over to another seat in this chamber; the government leader presumably will cross over to an opposition or other seat. And I imagine that, as they do, they will stop in the middle and exchange binders. The opposition leader will hand over his or her binder of questions and criticisms, and the government leader will hand over his or her binder of answers or, as Senator Plett might say, "non-answers."

When that happens, a more muscular and oppositional and less accountable Senate will have a licence, supported by this potential precedent, to relentlessly impede initiatives of that new government.

So, for senators inclined to oppose the will of the elected body here — and, to be honest, on one or two specific points, I would be tempted myself — it's important to think about the downside long-term consequences of pursuing that which you might most profoundly desire today, potentially to your regret.

My final point is the degree to which there is a genuine link between the "will of the people" associated with a particular initiative, or whether this is so esoteric a thought, based solely on the fact that a particular government was elected — in some respects, this is the Achilles heel of the Salisbury principle.

Can we point to a particular initiative and evidence that that initiative is connected with the will of the people? There is no incontrovertible evidence, but there is at least a meaningful link if a government, when campaigning for office, committed to an initiative and got elected and is advancing that initiative.

So, added to the general principle, the closer to an electoral commitment the core of a government initiative is, the greater the justification for deference to the will of that other place.

That was the case here. A commitment to reform the Broadcasting Act was part of the governing party's 2021 electoral platform and Speech from the Throne.

In conclusion, we as a chamber have done our work here. We have examined this legislation extensively and well, as nearly all of us have observed with respect to this legislation, both at committee and here in the chamber. We have offered a series of sober second thoughts, many of which were adopted, some rejected. We have worked out a small constructive non-legislative "sober third thought."

Our work, within the limits of our constitutional authority, has been done and well done. Going further, resisting further, would be unwise, in my submission, and would push us, in my view, to exceed the limits of our institutional authority. We should celebrate this good work, congratulate those who led the work and pushed us hard to adopt Senate improvements and say yes to this amended message. We should agree to go to P.E.I. on vacation. Thank you very much.

• (1540)

Senator Housakos: Would Senator Cotter take a question?

Senator Cotter: Yes, I would.

Senator Housakos: Thank you, Senator Cotter. I want to highlight that in our Constitution — in black and white — when the forefathers created this chamber, it was created with the same rights, privileges and authority of the House of Commons — the Westminster system.

The second thing we have to keep in mind, colleagues, is that when this house was created, the "Father of Confederation," John A. Macdonald, also made it clear that this place would be an independent body from the other place. It was also made clear that this body would speak for the voices that it was felt were not being adequately spoken for in the other place.

Prime minister after prime minister — I can give umpteen examples, including former Prime Minister Chrétien and even former Prime Minister Harper, who had a hard time swallowing the legitimacy of this institution — have always said that when an elected government does something that is found to be egregious by a large number of Canadians, that is when the Senate should legitimately step in to ensure that those voices are heard.

My question is the following: When I hear your speech, I'm very concerned. If the Senate has lost a great deal of legitimacy in the eyes of the public over the last couple of decades, it is because they asked the following question: Is this institution nothing more than a glorified debating society and echo chamber?

Senator Cotter: I will make two observations, if I may, Senator Housakos.

The first is that there is a very good chance that, at some point in the future, someone will make observations like you have just made, and you will respond just like I have.

My second observation is that the argument you make is premised on the idea that a continued assertion of parliamentary authority by a non-elected body is one of the ways to improve public confidence in this chamber and the institution of the Senate, and I think that's a very debatable proposition. Thank you.

Hon. Percy E. Downe: I thank Senator Cotter for his remarks. I tend to agree with most of them. However, I am sure it wasn't his intent to not explain the full picture of the role of the Senate over the years.

There are many examples of where the Senate has rejected the House of Commons. Probably the best example is before the 1993 election when the Conservative government made a commitment on the Toronto airport. The Liberal opposition promised that if they formed the government, they would reverse that decision. Mr. Chrétien won the election and formed the government, which held a majority in the House of Commons. The House passed the changes to reverse the decision. The bill came to the Senate, and Liberal senators voted against the proposal as well because they viewed it as retroactive legislation.

Here was a commitment of the opposition party. They ran on it in their election platform. They won the election, implemented what they said they would do and the Senate said no to the elected House of Commons immediately after the election.

There are exceptions to all the rules. In my own view, I don't believe this is a hill to die on, but there will be cases where the Senate will want to oppose the House of Commons.

The Hon. the Speaker pro tempore: Senator Downe, do you have a question?

Senator Downe: Do you share that view?

Senator Cotter: I got the question. I'm a bit troubled that someone from your province didn't at least celebrate my metaphor in the question. Having said that, I'm hardly an expert — may I complete the answer?

The Hon. the Speaker pro tempore: Honourable senators, do we agree to give time to Senator Cotter to complete his answer?

Hon. Senators: Agreed.

Senator Cotter: I have two brief observations, Senator Downe, and I appreciate your observations. In my research, which was not absolutely comprehensive, I found two examples. You identified one, and the free trade agreement was another. I accept the idea that there could easily be exceptions, but, in my view, they have to be awfully big exceptions. I would suggest that this isn't one. Thank you.

Hon. Pierre J. Dalphond: Honourable senators, I suppose this is the proper time for me to stand up and speak because the previous speeches led to my speech. Maybe I should say, "Here comes the judge."

Honourable senators, under the Constitution Act, 1867, both chambers must agree on the exact same text before a bill can be sent to Rideau Hall for Royal Assent and then become law.

When both houses work truly independently from each other, it is possible that the house dealing with a bill after the other one may conclude, after its own review of the bill received, that it should be amended.

Of course, the *Rules of the Senate* contain provisions applicable in such a situation. They are found at Chapter Sixteen, entitled "Messages to the Senate and Relations Between the Houses." The Rules provide for sending and receiving formal messages between the houses, and how to deal with such messages.

As you know, we made 26 amendments to Bill C-11, as received from the House of Commons, and sent a message to the other place to inform it. The government reviewed these amendments and proposed that members of Parliament accept 18 of them as received, 2 with modifications and reject the remaining 6. After debate, a large majority of MPs — who are members of three different political parties — agreed with the minority government and a message was received from the other place informing us accordingly.

In such a situation, rule 16-3(2) indicates that the Senate can agree with the message from the House of Commons or insist — I repeat, insist — on one or more of our amendments despite the initial rejection by the House. In my view, the Senate should insist on a rejected amendment only under very specific circumstances considering the nature of each house and the contemplated relationship between the houses under our Constitution.

In other words, at this stage of the parliamentary process, we must adopt a principle-based approach and not rely on our personal political, economic, sociological or other views on the bill.

On the role of the Senate in our democracy, the Supreme Court of Canada stated in *Reference re Senate Reform* that under our Constitution, our role is "as a complementary legislative chamber of sober second thought."

The court reached this conclusion because, under the Constitution, members of the House of Commons must be elected, while those of this house are appointed by the Crown. Thus, only MPs are ultimately accountable to the electors for the bills that Parliament may adopt.

In a comprehensive paper on this subject published in 2019 in the *National Journal of Constitutional Law*, Senator Harder wrote that the Senate:

> adopt a stance of democratic deference to the Government's electoral platform when passed into law by the House of Commons, in accordance with the principles underlying the Salisbury Convention (which does not preclude amendments that would improve the legislation);

— and —

> customarily respect the will of the House once it has declined, modified, or accepted some but not all Senate amendments;

• (1550)

I agree; I always agree with Senator Harder. To do otherwise would be to substitute an appointed oligarchy for our democracy. It follows that for an independent senator, his or her personal political opinions cannot be a sufficient reason to insist upon an amendment. Moreover, under our Constitution, the courts are the ultimate arbitrators of debates on the scope of the rights protected by our Canadian Charter of Rights and Freedoms or the distribution of powers between Parliament and the provinces. For that reason, when the extent of a Charter right protection is unclear, we have to defer to the courts to determine it. In the meantime, we should rarely, if ever, insist on an amendment for the reason that it corresponds to what we think should be the extent of the right at stake.

[*Translation*]

For the study of Bill C-45 on the legalization of cannabis, after consulting a great many precedents and reading many authors, I offered five criteria for analysis that I will repeat here if I may.

First, if the rejection of an amendment is accepted, will it result in legislation that clearly or most likely violates the Constitution or the Charter of Rights and Freedoms? If the answer is unclear, the task of answering that question should be left to the courts.

Second, is the purpose of the bill an election campaign issue for the government, or is it an extremely controversial issue for which voters did not give the government the mandate?

Third, does the evidence provided to both houses unequivocally show that the rejection of the amendment is fundamentally flawed and that the message received is thus plainly unreasonable?

Fourth, does the rejection of the amendment show that the majority of MPs are abusing one or more minorities, showing contempt for language rights, or demonstrating favouritism for one region at the expense of another?

The fifth and final question is: Does the House of Commons' response reject an amendment designed to prevent irreparable damage to the national interest?

[*English*]

In my opinion, the message on Bill C-11 does not justify insisting on any of the rejected amendments, considering the answers to the five questions that I just described. In response to the first question, I note that the rejection of any of the six amendments does not result in a clear violation of the freedom of expression. I acknowledge that Michael Geist, an online law expert at the University of Ottawa, has urged the Senate to insist on the amendment relating to user-generated content. In his op-ed published on April 11 in *The Globe and Mail*, Mr. Geist said:

> . . . Bill C-11's regulatory powers could lead to the demotion of some user content on subscriber feeds, making those voices harder to find.

However, in the same piece, Mr. Geist confirmed that Bill C-11 will not censor anyone:

> The Bill C-11 debate has been marked by overheated rhetoric on both sides: Some argue that the bill does not affect user content when it clearly does, while others insist that it will censor what Canadians can say online, when it will not.

In regard to this specific rejected amendment proposed by Senator Simons and Senator Miville-Dechêne, an important consideration for me is that any potential CRTC regulations relating to social media content must first go through a formal process — described by my colleague Senator Cardozo — including the publication of proposed regulations with opportunities for interested people to make representations.

There is an added level of oversight through the Governor-in-Council's ability to issue policy direction to the CRTC, which must be of general application. These requirements safeguard against potentially overly broad proposals with respect to freedom of expression. Furthermore, any future regulations will remain subject to the Canadian Charter of Rights and Freedoms, and could be challenged before a federal court. The federal courts will always be available and provide an additional layer of rights protection. I conclude that there is no clear violation of a Charter right as a result of the rejection of the six amendments.

I'll turn to the second question: Is this bill a very controversial area for which the government has no mandate? Clearly, the answer is no. Bill C-11 was part of the electoral platform of at least three political parties during the last two elections — and, in a minority Parliament, a majority of MPs representing these three parties voted for it.

My third question is about the evidence provided to both houses: Does it unequivocally show that the rejection of any amendment is plainly unreasonable? The answer is to the contrary. The evidence shows that major groups of stakeholders support the decision of the government to reject the most important of the amendments that were rejected.

After receiving the Senate's message, the government has responded to the proposed amendment by saying that it will affect the government's ability to publicly consult on and issue a policy direction to the CRTC to appropriately scope the regulation of social media with respect to commercial programs, and could prevent the broadcasting system from adapting to technological change over time.

[*Translation*]

Furthermore, I note that the other place's preferred position, as proposed by the government, is supported by the Coalition for the Diversity of Cultural Expression, or CDCE. This organization, which is located in Montreal, represents 360,000 anglophone and francophone creators and 2,900 cultural enterprises across Canada.

On March 31, after the other place adopted the message proposed by the government, Bill Skolnik, the co-chair of the CDCE, said, and I quote:

> In a climate of acrimony and misinformation, we salute the work and courage of the elected officials who, for the past two years, have tirelessly supported the cultural sector and ensured the sustainability of our cultural sovereignty.

Hélène Messier, the other co-chair, said, and I quote:

> Over the past few months, Senators have conducted a rigorous analysis of the bill and made some improvements. We salute their work, but invite them today to take note of the decisions of the elected officials and to move the bill in its current state towards Royal Assent as quickly as possible.

Finally, APEM, the Professional Music Publishers' Association of Quebec, said the following in a news release, and I quote:

> The MPs agreed to some of the improvements proposed by the Senate while rejecting others that were written in a problematic manner . . .

That means that the evidence indicates support for the government's position.

That brings me to the fourth question. Does the rejection of some amendments show contempt for minorities, language rights or a region? Obviously not. The purpose of this bill is to foster minority expression and give minorities a place in the virtual media realm.

[*English*]

Finally, did the House reject a Senate amendment designed to prevent irreparable damage to the national interest? I have not heard anything to support a conclusion of that nature in connection with any of the six amendments. There is no evidence of irreparable damage to the national interest that could result from the adoption of the message.

In conclusion, our constitutional role today is to accept the message, and send Bill C-11 to Rideau Hall for Royal Assent.

Thank you very much. *Meegwetch*.

Hon. Andrew Cardozo: I have a quick question. Thank you very much, Senator Dalphond. I found your explanations, and that of Senator Cotter, very interesting — but both of you have talked about passing it even if one doesn't really like the bill and it's sticking in your throat. What do you do if you're satisfied with the message that came back from the House? Is it still okay to vote for it and not go through this whole very interesting dialogue?

• (1600)

Senator Dalphond: I guess it is a bit like in court. The first test is the smell test. If I like the smell, I have a tendency to favour the answer, but this is not the test we have to apply here.

The test here is what our constitutional role is further to that message. Some will like the message, some will not like it, but this is not the answer.

The answer is whether, further to an analysis, we find we have the constitutional authority to say no and insist upon one or more amendments. The answer, as I've tried to demonstrate in my speech, is that there is no reason here to justify insisting upon any of the six amendments that were rejected. Thank you.

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, I rise to speak to the government's response to the amendments proposed by the Senate in relation to Bill C-11.

Colleagues, after four months of Senate committee hearings, after hearing from 140 witnesses, as Senator Housakos said earlier and after hearing from and listening to numerous ordinary Canadians — many of whom by their own admission had never appeared before a parliamentary committee before — we have the response of the government to the amendments that the Senate proposed to this legislation.

That response is clear, and it is this: When it comes to listening to any of the substantive concerns that witnesses raised when they appeared before our Senate Transport and Communications Committee, the government simply isn't interested.

To be sure, there have been a lot of nice-sounding words from the government that it is listening, and that it has seriously considered the Senate amendments. As Minister Rodriguez claimed when he spoke on this issue, ". . . we're accepting a vast majority of the Senate amendments . . . ." If we look at the pure numbers, this may be technically correct.

But if we look more closely at the substance of what the government has accepted, it has actually rejected every one of the more substantive amendments proposed by the Senate.

The reality of the government's response is that if particular amendments did not substantively impact the bill, they were regarded as tolerable. But if a particular amendment impacted the bill in any substantive way, they simply rejected it.

That is the essence of the government's response, and I know that many Canadians are very disappointed.

When the minister appeared before our Transport and Communications Committee back on November 22, he made the following claim:

> I was born with an open mind . . . so . . . . On the general principle, we are open to —

— amendments —

> — but this bill comes after lots of consultation on the previous bill, Bill C-10, that was discussed here too. Now Bill C-11 has been discussed and consulted across the country. You have had about 120 witnesses, which is amazing. You did amazing work here. We think it's the right balance, but, of course, we're ready to look at . . . amendments.

I think the key word in that response is that the minister and the government were prepared to "look" at the amendments. But some senators likely did not appreciate how very brief that "look" would actually be.

The government's rejection of the more substantive Senate amendments reveals that we have a government that is simply unwilling to engage in any sort of meaningful dialogue with Canadians who have fundamental concerns about this bill.

Colleagues, we again need to remind ourselves that the more substantive amendments that were proposed in relation to Bill C-11 were proposed after hearing from a nearly unprecedented number of witnesses on this legislation.

These were not amendments that senators simply dreamed up on their own.

Many very well-informed witnesses appeared before our committee. These were witnesses whose very livelihoods will be impacted by this legislation — witnesses who were very concerned about the freedom of speech implications of this bill.

The Senate took on the role of trying to speak for these many Canadians.

From my perspective, the Senate's amendments actually did not go nearly far enough in addressing the many concerns that were raised about Bill C-11.

From my perspective, amendments or not, Bill C-11 remains a deeply flawed and bad bill.

But nevertheless, even government-appointed senators opposite could not ignore all of the issues that were raised by witnesses once they were repeatedly explained to the committee.

That is why 26 amendments were proposed and adopted by the Senate in relation to this bill.

I will acknowledge, colleagues, that in making these amendments the Senate was trying to fulfill its constitutional role. I believe that, in relation to many of the amendments that were made, the Senate was speaking for the political minority in Canada.

It is a political minority that was not really listened to on the House side where the hearing process was artificially cut short by the government.

In essence, the Senate has been exercising its role of providing sober second thought.

I think it is useful to go through some of the more substantive amendments that the government has rejected out of hand, because I believe, as a result of the government's rejection of these amendments, it is vital that the Senate now stand firm and insist on these amendments.

First, there is the example of the child protection age verification amendment that was proposed by Senator Miville-Dechêne and supported by the majority of senators at committee and in this chamber.

The committee received a number of written briefs on this specific matter, including from the Canadian Centre for Child Protection, whose brief stated:

> Bill C-11 . . . needs to be consistent with Canada's international obligations to children. For example, principles enshrined in the *United Nations Convention on the Rights of the Child* . . . and General Comment No. 25, *General Comment on children's rights in relation to the digital environment*, which provides state parties with guidance on the implementation of the UNCRC in the digital space, should be considered and reflected in Bill C-11.
>
> C3P has long been advocating for government to regulate online platforms that children are exposed to. The lack of regulation over online platforms has meant that children have been a casualty of the "move fast and break things" ideology that has characterized the incredibly lucrative technology sector. Children continue to be an afterthought in the creation of online programs and services despite widespread reports of harm to children on such platforms. We cannot permit the status quo to continue. Legislation that is drafted to regulate online platforms needs to include meaningful protections for children.

> Just as we protect children against the harms of tobacco, alcohol, marijuana and R-rated movies, there need to be adequate protections for children regarding sexually explicit content online. Society must not abrogate its responsibilities to children because of the digital nature of sexually explicit content online. We cannot let online platforms dictate the sexual education of Canada's children.

• (1610)

Senator Miville-Dechêne, who has long been an advocate on this matter in our chamber, took up this issue and introduced an amendment to the bill that stated:

> "**(r.1)** online undertakings shall implement methods such as age-verification methods to prevent children from accessing programs on the Internet that are devoted to depicting, for a sexual purpose, explicit sexual activity;".

The amendment is simple and to the point. It was adopted by our committee and then also passed by the Senate as a whole.

Officially, of course, the government expressed its sympathy for this amendment. Indeed, the government made no fundamental objections in principle to the amendment, but it rejected it notwithstanding.

This week, Senator Gold again stated:

> . . . protecting children is a priority of this government, and it is looking forward to introducing legislation on online safety with the goal of keeping all Canadians safe online. In the government's view, however, Bill C-11 is not the appropriate vehicle to advance this important issue.

One is left wondering why that is the case. I suspect it is simply because the amendment proposed by Senator Miville-Dechêne goes beyond what the government plans to do. It is likely as simple as that.

In my view, if we permit this rejection to go unchallenged, we will fail in our duty to Canadians, and we will simultaneously fail in taking this important opportunity to better protect Canadian children.

In my view, we must, therefore, insist upon this amendment.

Another amendment in the Senate package that the government rejected was one that was proposed to update the CRTC's outdated Canadian content rules. This amendment responded to what the Senate heard from many witnesses: that a restrictive interpretation of Canadian content rules, under existing legislation, is doing serious harm to many Canadian creators and is undermining our ability to tell Canadian stories to the world. Many witnesses pointed out that even though a program might be filmed in Canada, employ Canadian actors and be written by a Canadian, if the production company is not Canadian, then it does not qualify as "Canadian content." Other witnesses pointed out that Canadian content rules are often so cumbersome that it becomes impossible for smaller creators to navigate the process.

Based upon that testimony, the amendment proposed to incorporate a principle of greater flexibility in determining what is, and what is not, Canadian content. This was an extremely reasonable and modest amendment, but again, the government rejected it.

The government claimed that it did so because:

> . . . the principle that Canadian programs are first and foremost content made by Canadians is, and has been, at the centre of the definition of Canadian programs for decades, and this amendment would remove the ability for the CRTC to ensure that that remains the case . . .

Clearly, no one in the government either read or seriously considered the actual testimony that was heard at our Senate committee on this matter. No one appearing before our Senate committee argued with the notion that Canadian programs should be "first and foremost content made by Canadians." What witnesses took issue with was how the CRTC was prioritizing and adjudicating what is considered a Canadian program.

Witnesses said that our approach is decades old and needs to better respond to today's realities when it comes to how programs are produced and broadcast. Witnesses like Oorbee Roy, who, by her own admission, is a smaller player in the area of content creation but who nevertheless is bound by the CRTC's interpretation of "Canadian content," asked our committee on September 28 why the bill was not addressing the issue of the inequity in Canadian content creation.

She was quite explicit in criticizing the minister's response during a House committee meeting, a response which was simply to push the entire issue off to a distant future decision. At our committee, she asked:

> Why is this bill pushing off Canadian digital content creators into the future, but then including user-generated content platforms now? Aren't we the very people this bill is supposed to be helping?

She pointed to the major hurdles in the way of small content creators like herself in getting approved as Canadian content. She asked:

> Do I have to hire my ten-year-old son to help me register each piece of skateboarding content for CanCon approval? . . .

Other larger players explained how inflexible Canadian content rules are undermining investment and making it more difficult for Canadian stories to be told.

Wendy Noss, President of the Motion Picture Association — Canada, told our committee:

> . . . it's . . . as if people think the definition of "Canadian content" was established on some tablets in the desert long ago and cannot ever be changed. . . .

> We are dealing with a definition of Canadian programs for broadcasting policy, and for that, when you are bringing global companies and streamers that make content for the world, there needs to be an expansive 2022 approach, rather than being mired in a 1970s approach.
>
> If we look at the different kinds of stories, you can have stories set in Canada, like *Washington Black*, written by Esi Edugyan. It is a fantastic novel Giller Prize-winning novel about a Black slave travelling to Nova Scotia. The investment in that Canadian novel, Canadian writer and Canadian story is being made by Disney, and it is being shot in Nova Scotia. It is not qualified as Canadian content.
>
> You have heard a lot about *Turning Red*, which resonates with any child of immigrants growing up in Canada, particularly in Toronto. That, too, is a Canadian story.
>
> There are a host of Canadian creative positions that are not currently recognized in the definition. So you can have a Mexican director . . . who makes all of his fantastic content in Toronto, with Oscar-winning and -nominated creative teams — production designers, art directors, costume designers and a Canadian producer — but for which Fox owns the copyright. That also would not qualify.

That is what witnesses told our committee, colleagues.

No witness took issue with the principle that Canadian content should be that which is made by Canadians. Neither did the amendment adopted by the Senate take issue with that. What the Senate amendment did was to incorporate direction to the CRTC to exercise greater flexibility in determining what Canadian content is.

The government's response was to reject that amendment out of hand.

Quite frankly colleagues, Canadians deserve better.

Another substantive amendment was proposed by our colleague Senator Downe. Senator Downe proposed an amendment to restrict advertising that is designed to resemble journalistic programming. It was a simple amendment but one that touched upon a very important issue.

• (1620)

We have heard a lot from the government about disinformation. Indeed, the government has argued that both this bill and Bill C-18 are important vehicles for ensuring accuracy in news, as well as in programming that is presented as news. Senator Downe proposed this amendment to prevent the CBC from entering into:

> . . . any contract, arrangement or agreement that results in the broadcasting or development of an advertisement or announcement on behalf of an advertiser that is designed to resemble journalistic programming.

In essence, Senator Downe's amendment is designed to promote and protect truth in advertising, as well as truth in the presentation of what is purported to be news — a very reasonable amendment that actually supports the government's stated objective.

So what was the government's response to that? You would think they would be happy with that. They rejected the amendment because it was, in the government's view, beyond the policy intent of the bill. They argued that further study was required on the matter. Colleagues, "further study" is simply a euphemism for the fact that the government doesn't want to do it, and they don't want to be bothered to engage on the issue any further.

This is not how disputes over legislative issues between the two houses of our Parliament should be handled. The Senate is our chamber of sober second thought. When the Senate objects to government legislation, it usually does so because it has heard from Canadians, whether through witness testimony or through other forms of communication.

The Senate's amendments are usually modest, but they very often deal with very substantive matters. The government is constitutionally obligated to take the Senate's advice seriously, particularly when it is based on substantial witness testimony. I would argue that — in so many of their responses to the Senate's proposed amendments — the government has simply not taken the amendments, or what the witnesses told the senators in committee, seriously.

We had an amendment from Senator Miville-Dechêne and Senator Simons on user-generated content. I would argue that this is particularly the case in relation to the core amendment from the Senate which the government rejected. That concerns, of course, the amendment that was proposed by the two senators.

When Senator Miville-Dechêne spoke to this amendment at committee, she stated:

> I would remind you that both the government and the CRTC have repeatedly said that social media users and content creators would not be covered by Bill C-11. This has been repeatedly stated.
>
> Despite this, we heard from witnesses and experts that section 4.2 is too far-reaching and that they do not trust the CRTC with such discretionary power. There was a desire expressed during our hearings that we restrict the type of content that the CRTC could regulate on platforms. We also

> heard that the main target of clause 4.2 is professional, non-amateur content, in particular self-produced and record label music content and related music videos.

In all of this, Senator Miville-Dechêne was, of course, correct. The government has repeatedly claimed that user-generated content is not to be regulated by the bill.

The Minister of Canadian Heritage, when he appeared before our committee, specifically stated the following:

> We listened to the social media creators. We listened to them, we understood their concerns and we brought it back, with the exception of 4.2, which catches only commercial content with the three criteria. That's it.

That was what the government claimed.

So a modest amendment was made at committee simply to confirm that assertion. As Senator Simons stated at the Senate's third reading of Bill C-11:

> . . . I think the biggest and most critical amendment we made was to a vexing part of the bill, subclause 4.2(2), which I like to call the "exception to the exception" clause. In the wake of some of the controversy around Bill C-10, the Minister of Canadian Heritage promised that Bill C-11 would not pertain to nor capture users of social media but only big streamers who were analogous to traditional broadcasters. Indeed, that is what clause 4.1(1) of the bill says — that the act does not apply to a program that is uploaded to a social media service by a user of that service.

Furthermore, when Senator Miville-Dechêne spoke to this amendment at committee, she stated:

> Our proposed amendment would focus clause 4.2 on the intended target of professional music without unduly curtailing the CRTC's discretion. Finally, these amendments would have the effect of focusing clause 4.2 on professional music that is downloaded by copyright owners, or that has been played in whole or in substantial part on traditional broadcasting undertakings.
>
> In essence, this means that YouTubers, amateur videos or any other content which is not associated with professional music are not covered by Bill C-11.

At committee, Senator Simons was more specific as to her intent when she said, "We're hoping that this will allow us to reach a workable compromise."

She went on further to say:

> I share the concerns of Senator Manning, Senator Wallin and Senator Plett about clause 4 which, despite the protestations of everybody, clearly includes individual creators. We believe this amendment scopes out all of those people and only includes the very biggest music producers.
>
> This is an amendment that has been arrived at in consultation with YouTube, with TikTok, but also with all sorts of independent Quebecois music producers who provided a great deal of input so we could craft an amendment that we capture the right peoples.

So what has been the government's response? The government asserts that they disagree with the amendment, and their reason is because it:

> . . . would affect the Governor in Council's ability to publicly consult on, and issue, a policy direction to the CRTC to appropriately scope the regulation of social media services with respect to their distribution of commercial programs, as well as prevent the broadcasting system from adapting to technological changes over time . . . .

In other words, in the government's view, the CRTC's discretion simply outweighs and is more important than any concerns that ordinary creators might have.

As Senator Simons pointed out earlier this week, the government's rationale is not credible — in particular, she noted that the first part of the government's response is a bit strange. Senator Simons said the following:

> Nothing in our amendment would have prevented the government from holding public consultations at any time on any subject. The last clause is also a bit odd. Nothing in our amendment would have prevented the broadcasting system from adapting to technological change.
>
> It's the middle of the sentence that matters. It's the meat of the sandwich — the part about scoping the regulation of commercial programs on social media. And this is precisely the problem. The minister and the government keep telling us — and everyone else — that they do not intend to include user-generated content and that Canadians who post their comedy sketches or animated shorts or children's songs to Twitter, YouTube, TikTok and Instagram would not be scoped into the ambit of the CRTC. Yet, the government's own written response to our amendment demonstrates that they wish to retain the power to direct the CRTC to do precisely that — to regulate the distribution of content on social media.

• (1630)

Those are the words of Senator Simons.

Now, let's be clear about what this means. The government is saying that the officials it appoints to serve on the CRTC must have full leeway to do something that the government claims it has no intent to do, and the CRTC must have the leeway, notwithstanding the objections that have been raised by Canadians.

As Senator Simons acknowledges, the government's response makes it absolutely clear that it reserves the right to regulate social media content without any hindrance in legislation.

Mr. Len St-Aubin is a former director general of telecommunications policy at Industry Canada. On September 14, 2022, he told the Standing Senate Committee on Transport and Communications:

> . . . it's the CRTC, not Parliament, that will determine the scope of regulation and therefore the extent of intervention in the internet market and Canadians' freedom to access the content of their choice.

There is simply no other conclusion that can be drawn from the government's position. This is absolutely their intent.

Colleagues, when we considered Bill C-11 at third reading a few weeks ago, it was noted on this side of the house that senators would have to "steel their spines" given the likely government response to our amendments.

As much as we might have hoped that the government would respond substantively to what were substantive amendments, regrettably, that has not proved to be the case. We now have a government response which is to reject nearly every substantive amendment that the Senate has made, despite the fact that these amendments were actually proposed by the many Canadians who appeared before our committee. This means that, in essence, the government has said "no" to Canadians.

What are the implications of this? I believe the implications are dire in that they might impact on the most fundamental rights of Canadians. This government rejection impacts freedom of speech itself. Now, I know some senators will see that as an exaggeration, but I do not believe that to be the case. We have a very recent example.

Earlier this month we learned that government officials at the Immigration and Refugee Board of Canada, or IRB, approached social media platforms to ask that they take down any posting of a column written by Lorne Gunter of the *Edmonton Sun* and also to prohibit users from linking to it.

The column itself was based on a draft document that was being circulated inside the IRB, making the article, by all accounts, factually correct. What IRB officials apparently did not like was Mr. Gunter's interpretation of the implications of the same document.

Whether Mr. Gunter's interpretation or analysis of the document was something that the IRB officials disagreed with or not, whether his interpretation was even accurate or not, what is at issue here is a clear willingness and belief among those same officials that it was entirely appropriate to advocate for the removal of content which the IRB regarded as objectionable. We should all be concerned.

We should be horrified, colleagues, about this attempted assault on freedom of speech and freedom of the press.

What many Canadians fear is that this is where we may be heading with Bill C-11, and there are many ominous signs that suggest those fears are not unfounded.

We have often heard senators in this chamber claim that the Senate must speak for political minorities. I agree that this is absolutely a key role for the upper house of Parliament. Colleagues, we have heard ample evidence and testimony that the implications of Bill C-11 are multi-faceted and serious.

In response to the testimony we heard, the Senate has made a few modest but important amendments to this bill. The government has rejected almost all of these modest amendments. In the face of that, I do not believe that the Senate can simply roll over. I am very concerned at what I hear from senators in this chamber that they intend to do exactly that, roll over.

Senator Simons said this week, ". . . I don't think 'ponging' this amendment up the street will make a blind bit of difference."

I would like to assure Senator Simons and all senators that what will absolutely not make "a blind bit of difference" is if we just give up. If that is the position of our Senate, I ask this: What, then, is the purpose of this chamber?

An Hon. Senator: Hear, hear.

Senator Plett: What is the purpose of this Senate?

If after four months of hearing from witnesses on this issue, the Senate immediately throws in the towel as soon as the government says "no," then we have, very simply, failed in our legislative duty, and we have failed as Canadians.

Don't call ourselves "independent" if we are just going to roll over at the first available opportunity. That is not independence, colleagues. That is not independence.

I believe that is why we must insist on our entire amendment package.

The people whom I am most concerned about are the smaller players who will be impacted by this bill, people like Oorbee Roy, Vanessa Brousseau, Darcy Michael, Justin Tomchuk, J.J. McCullough, Frédéric Bastien Forrest, Scott Benzie and others, all of whom appeared before our committee. These people do not represent big corporations or big media concerns. I submit, colleagues, that at minimum we have an obligation to insist that this tone-deaf government listen to these individuals. Beyond that, we all know — or at least suspect — that this bill is deeply flawed and has serious freedom of speech and freedom of the press ramifications.

Given those ramifications, colleagues, we cannot now back down at the first sign that the government is not willing to take our amendments seriously.

MOTION IN AMENDMENT—DEBATE

Hon. Donald Neil Plett (Leader of the Opposition): Therefore, honourable senators, in amendment, I move:

That the motion, as amended, be further amended:

1. by replacing sub-paragraph (b) by the following:

"(b) insist on its amendments to which the House of Commons disagrees;";

2. by adding, before the final paragraph, the following new paragraph:

"That, pursuant to rule 16-3, the Standing Senate Committee on Transport and Communications be charged with drawing up the reasons for the Senate's insistence on its amendments; and"; and

3. by replacing, in the final paragraph, the words "That a message be sent" by the words "That, once the reasons for the insistence have been agreed to by the Senate, a message be sent".

Colleagues, I believe that what we must insist upon is for the government to seriously consider the arguments that were made by witnesses who appeared before the Senate and to respond appropriately to the Senate's amendments.

When we sent our amendment package on this bill to the other place, I said we would almost certainly have to steel our spines in the face of the government's response. Regrettably, that time has come, and that is exactly what we now need to do: steel our spines. I urge all senators to support this motion.

• (1640)

Hon. Donna Dasko: I have a question for Senator Plett, if he would take it.

Senator Plett: Yes.

Senator Dasko: Thank you for the enthusiasm. Senator Plett, you have today offered high praise for the six amendments that were rejected by the House of Commons. You have lauded them, and you said that you insist on the entire amendment package.

However, senator, you did not support the bill with these amendments in it at third reading. I ask you, how can you urge us to insist on the 26 amendments when you yourself did not support them at third reading of the bill?

Senator Plett: Well, I hope you will be enthusiastic about my answer. The bill didn't go far enough. The amendments didn't go far enough. I said repeatedly in my speech that it's still a flawed bill, even with the amendments, but the amendments make it a better bill.

Hon. Michael L. MacDonald: Honourable senators, I rise to speak to the government's response to the amendments proposed by the Senate in relation to Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts. I would like to focus, in particular, on the government's rejection of amendment 3.

This is probably the most significant amendment the Senate made to Bill C-11, and it was based on what the Senate Transport and Communications Committee heard over several months from dozens of witnesses. From my perspective, this amendment was a modest and minimal one that, in essence, responded to the minister's commitment when it comes to regulated user-generated content.

When the minister appeared before the Standing Senate Committee on Transport and Communications, he specifically claimed:

> We listened to the social media creators. We listened to them, we understood their concerns and we brought it back, with the exception of 4.2, which catches only commercial content with the three criteria. That's it.

Time and time again, the government has claimed that section 4.2 is only designed to catch commercial content. Time and time again, they have claimed that they've listened to social media creators, but, overwhelmingly, most social media creators have repeatedly disagreed with that, and they did so ostensibly before the committee. The proposed amendment was designed, as I see it, to simply confirm the minister's own words.

Senator Simons stated at third reading:

> . . . I think the biggest and most critical amendment we made was to a vexing part of the bill, subclause 4.2(2), which I like to call the "exception to the exception" clause. In the wake of some of the controversy around Bill C-10, the Minister of Canadian Heritage promised that Bill C-11 would not pertain to nor capture users of social media but only the big streamers who were analogous to traditional broadcasters. . . .
>
> The proposed amendment would focus clause 4.2 on the intended target of professional music without unduly curtailing the CRTC's discretion. These amendments would have the effect of focusing clause 4.2 on professional music that is downloaded by copyright owners or that has been played in whole or in substantial part on traditional broadcasting undertakings.
>
> In essence, this means that YouTubers, amateur videos, or any other content which is not associated with professional music are not covered by Bill C-11.

The arguments made by Senator Simons were convincing for a majority of senators on the committee and those in the chamber, so the Senate adopted this amendment.

Why did the Senate adopt this amendment? It did so principally based on the overwhelming testimony that we heard at the committee on this specific issue. I would like to review some of the testimony so that all senators here today can understand what witnesses at the committee actually told us.

Scott Benzie, Managing Director at Digital First Canada, told our committee on September 28, 2022:

> Our ask is simple: Section 4.2 needs clarity into what is in and what is out, because it currently includes the entire internet. Something this critical cannot be left to the CRTC to wade through.

Morghan Fortier, Co-Owner and Chief Executive Officer of Skyship Entertainment, told the committee on the same day:

> Senator Simons has correctly described section 4.2 as the problem child of this bill. . . . the CRTC has already given us their interpretation of the bill. They've said quite plainly that [user-generated content] is scoped in and that they would require platforms to artificially manipulate their algorithms, so we know how the government and the CRTC intends to use the bill. If they do that, other countries will follow suit, and this will be a huge economic blunder on the part of the government.

There is demonstrable reason that user-generated content needs to be included in this bill. Thousands of Canadian small businesses and digital creators deserve far more consideration.

Jennifer Valentyne, who enjoyed a successful television career for years until she — to use her words — aged out, as a woman of a certain age, talked about how liberating it has been to now enjoy creating and posting her own content online and not having to worry about whether the men in the corner office think she's too old.

She told the committee:

> . . . they will hurt thousands of content creators across our country . . . .
>
> . . . please change section 4.2 and write it in a way that leaves no doubt that user-generated content is exempt from this legislation.

We heard from Oorbee Roy, a skateboarding mom who features videos skateboarding in her sari. She told the committee, "Don't suppress us in order to boost others . . . ." Later she added, " . . . if 4.2 goes in as it stands, then I have to go look for a full-time job."

These are only a few of the many individuals who delivered the same message to the Senate committee, so when I describe the amendment put forward by Senators Miville-Dechêne and Simons as modest, I mean exactly that. Other witnesses asked for much more when it came to the call of Parliament not to regulate user-generated content.

Monica Auer, Executive Director of Forum for Research and Policy in Communications, told our committee on September 27:

> . . . Bill C-11 empowers the Canadian Radio-television and Telecommunications Commission, or CRTC, to regulate user-uploaded content, and in turn, regulate users, directly and indirectly. We propose dropping proposed sections 4.1 and 4.2 altogether. Broadcasters' operations, not internet users, should be regulated.

So the amendment that was ultimately adopted by the Senate was a modest step that the government could easily have accepted, but it did not do so. What is the rationale in this regard?

• (1650)

The government argued that the amendment:

> . . . would affect the Governor in Council's ability to publicly consult on, and issue, a policy direction to the CRTC to appropriately scope the regulation of social media services with respect to their distribution of commercial programs, as well as prevent the broadcasting system from adapting to technological changes over time . . .

As Senator Simons correctly said in her remarks earlier this week:

> . . . the government's own written response to our amendment demonstrates that they wish to retain the power to direct the CRTC to do precisely that — to regulate the distribution of content on social media.

Witnesses who appeared before our Senate committee and creators who are trying to understand what sections 4.1 and 4.2 mean should heed the word of Senator Simons.

Of course, Senator Simons did not speak for us in the opposition. I understand that. She is a government-appointed senator, and she is being honest about the implications of this bill when it comes to the regulation of user-generated content. As Senator Simons acknowledges, the government's response makes it absolutely clear that it reserves the right to regulate social media content without any hindrance in legislation. For the government, CRTC discretion is what is most important, and they want that discretion for a reason.

Konrad von Finckenstein, the former chair of the CRTC, told our committee that:

> . . . there is no intention to cover user-generated content and thereby restrict the freedom of speech of Canadians. User-generated content, while it is generally exempted, can be made subject to the act by an exception to the exemption built into subclause 4.1(2) of the bill. Clearly, this subclause was meant to deal with hybrid streamers, such as YouTube, but there are great fears that it may affect other so-called "digital first" broadcasters who produce programs solely for the internet as well as ordinary Canadians uploading videos or music.

Colleagues, I would argue that in the face of all this, we have a duty to say to the government just this: The Canadians who are digital creators deserve regulatory certainty. That certainty for Canadians is far more important than regulatory discretion for the CRTC.

The Senate introduced a very modest amendment to protect ordinary creators, particularly small players. We need to uphold that principle in our response to the government. It's very disappointing to hear that the Senate, which proposed this modest but important amendment, appears to be ready to fold our tent on this issue and that we can't do anything more. Well, I beg to

differ. This is a perfect example of where the Senate can truly prove its value. This is not a budget hearing or a confidence matter. The evidence put forth in committee supporting this amendment was significant and quite convincing. I would argue that we as senators cannot ignore what we have heard from Canadians. There is absolutely no practical or legal reason why we can't continue to hold our ground on this particular issue.

Honourable senators, an issue that was of fundamental importance for the Senate a mere few weeks ago remains just as important today, notwithstanding the government's rejection of the amendment. If senators opposite are prepared to do that at the first sign of resistance from the government, then it exposes our new and so-called independent Senate to be a complete myth.

I urge you to listen not to what you are being told by the Prime Minister's Office but to the Canadian creators who took the time to appear before our committee. Canadians are watching — closely.

MOTION IN SUBAMENDMENT—DEBATE

Hon. Michael L. MacDonald: Therefore, honourable senators, in amendment, I move:

That the motion in amendment be amended:

1. in the proposed new wording for sub-paragraph (b), by replacing the words "amendments to which the House of Commons disagrees;" by the following:

"amendment 3 to which the House of Commons disagrees; and

(c) do not insist on its other amendments to which the House of Commons disagrees;"; and

2. in the proposed new paragraph empowering the Standing Senate Committee on Transport and Communications to develop the Senate's reasons for its insistence, by replacing the word "amendments" by the word "amendment".

Thank you.

Hon. Lucie Moncion (The Hon. the Acting Speaker): Senator MacDonald, you have four minutes left. Would you accept a question?

Senator MacDonald: Certainly.

Hon. Pierre J. Dalphond: Thank you very much for this proposal, senator. Did you think about this amendment before the first amendment or after?

Senator MacDonald: Could you repeat the question, please, senator?

Senator Dalphond: Senator MacDonald, did you think about this amendment before the first amendment or after the first amendment?

Senator MacDonald: I thought of this amendment quite awhile ago, senator.

Hon. Yonah Martin (Deputy Leader of the Opposition): I move the adjournment of the debate.

Some Hon. Senators: No.

[*Translation*]

The Hon. the Acting Speaker: It is moved by the Honourable Senator Martin, seconded by the Honourable Senator Plett, that further debate be adjourned until the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

[*English*]

The Hon. the Acting Speaker: All in favour, please say, "yea."

Hon. Senators: Yea.

The Hon. the Acting Speaker: All against, please say, "nay."

Some Hon. Senators: Nay.

And two honourable senators having risen:

The Hon. the Acting Speaker: I see two senators rising. Do we have an agreement on a bell?

Some Hon. Senators: One hour.

Some Hon. Senators: Now.

The Hon. the Acting Speaker: Honourable senators, we do not agree on a time, so the vote will take place at 5:56 p.m. Call in the senators.

• (1750)

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Batters	Oh
Black	Patterson (*Nunavut*)
Carignan	Plett
Housakos	Quinn
MacDonald	Richards
Manning	Seidman
Marshall	Wallin
Martin	Wells—16

NAYS
THE HONOURABLE SENATORS

Anderson	Greenwood
Audette	Harder
Bellemare	Hartling
Bovey	Klyne
Boyer	Kutcher
Brazeau	LaBoucane-Benson
Busson	Lankin
Cardozo	Loffreda
Clement	Marwah
Cordy	McCallum
Cotter	McPhedran
Coyle	Miville-Dechêne
Dagenais	Moncion
Dalphond	Moodie
Dasko	Osler
Dean	Pate
Downe	Petitclerc
Duncan	Ravalia
Dupuis	Ringuette
Francis	Saint-Germain
Gagné	Shugart
Galvez	Simons
Gold	Woo—46

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

• (1800)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, it is now 6 p.m., and pursuant to rule 3-3(1), I'm required to leave the chair unless there is agreement that we not see the clock. Is there agreement that we not see the clock?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: I hear a "no." The sitting is suspended until 8:00 p.m.

(The sitting of the Senate was suspended.)

(The sitting of the Senate was resumed.)

• (2000)

ONLINE STREAMING BILL

BILL TO AMEND—MESSAGE FROM COMMONS—MOTION FOR CONCURRENCE IN COMMONS AMENDMENTS AND NON-INSISTENCE UPON SENATE AMENDMENTS—MOTION IN AMENDMENT—MOTION IN SUBAMENDMENT—DEBATE

On the Order:

Resuming debate on the motion, as amended, of the Honourable Senator Gold, P.C., seconded by the Honourable Senator LaBoucane-Benson:

That, in relation to Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts, the Senate:

(a) agree to the amendments made by the House of Commons to its amendments; and

(b) do not insist on its amendments to which the House of Commons disagrees;

That the Senate take note of the Government of Canada's public assurance that Bill C-11 will not apply to user-generated digital content and its commitment to issue policy direction to the Canadian Radio-television and Telecommunications Commission accordingly; and

That a message be sent to the House of Commons to acquaint that house accordingly.

And on the motion in amendment of the Honourable Senator Plett, seconded by the Honourable Senator Housakos:

That the motion, as amended, be further amended:

1. by replacing sub-paragraph (b) by the following:

   "(b) insist on its amendments to which the House of Commons disagrees;";

2. by adding, before the final paragraph, the following new paragraph:

   "That, pursuant to rule 16-3, the Standing Senate Committee on Transport and Communications be charged with drawing up the reasons for the Senate's insistence on its amendments; and"; and

3. by replacing, in the final paragraph, the words "That a message be sent" by the words "That, once the reasons for the insistence have been agreed to by the Senate, a message be sent".

And on the subamendment of the Honourable Senator MacDonald, seconded by the Honourable Senator Housakos:

That the motion in amendment be amended:

1. in the proposed new wording for sub-paragraph (b), by replacing the words "amendments to which the House of Commons disagrees;" by the following:

"amendment 3 to which the House of Commons disagrees; and

(c) do not insist on its other amendments to which the House of Commons disagrees;"; and

2. in the proposed new paragraph empowering the Standing Senate Committee on Transport and Communications to develop the Senate's reasons for its insistence, by replacing the word "amendments" by the word "amendment".

Hon. Leo Housakos: I would like to thank Senator MacDonald for his subamendment and his continuous support of user-generated content and digital-first providers.

We've heard a number of interventions this afternoon and this evening on Bill C-11. I just want to respond to a number of issues that are of deep concern.

In his intervention, Senator Cardozo talked about how the opposition and those who are opposed to the bill are somehow lining up with multi-billion-dollar digital corporations and platforms and so on and so forth. I'm starting to think that many of our interventions have probably gone unheard or are not really understood.

For those of us who are concerned, the concern that we have is not lining up with the digital giants. It's the government, actually, who is lining up with multi-billion-dollar corporations. I said in my second-reading speech, my third-reading speech and in committee that we believe the whole purpose of this bill — and the government has said it outright — is to align traditional broadcasters in this country with digital platforms. Those of us who participated in the in-depth study at the Transport Committee, we understand clearly that digital providers are not broadcasters, far from it. They're just platforms that actually help broadcasters and communication messages arrive to certain destinations more quickly, on a larger scale and in larger volumes. That is the actual reality of what digital providers like Facebook, Twitter, Google and all the other digital providers do.

We felt from the beginning that Bill C-11 is an attempt not to align broadcasters but, actually, to save the broadcasting industry, which we all acknowledge their business model is struggling. It is struggling because times have changed. What better testament of the fact that times are changing than having the CEO of CBC herself, a day after we passed the bill in this chamber or the day before, going public and saying how in a few years, CBC will be out of cable broadcasting and transforming their operation into digital platforms. That's why you get organizations such as Quebecor running QUB radio, which is a full-fledged digital radio operation. They're doing that because they're starting to recognize the world is changing, and young Canadians are going toward that direction.

Senator Cardozo, let me tell you where I'm standing. I'm standing with user-generated content producers.

An Hon. Senator: Hear, hear.

Senator Housakos: I'm standing with the digital-first producers in this country.

"User-generated content," colleagues, is a digital term, and it's Canadians. Every time you hear "user-generated content" or "digital-first providers," just substitute the word "Canadians."

I'm not standing up for Meta or Google. Unlike this government, I'm not standing up for CTV, Quebecor or Rogers either. If they have issues with their business model and they're not feeling that they're competitive enough, that is, philosophically speaking, for them to address. It's not for legislation to address it or for me as a legislator or any government, Liberal or Conservative alike, to intervene in that particular marketplace to help a business model, because at the end of the day, I'm of the view, "Where does it end?" It has to end somewhere. We don't have unlimited amounts of money. I know this current government thinks we have unlimited amounts of money, but we don't.

The truth of the matter and why we're so persistent, and why you see the subamendment from Senator MacDonald to insist on the amendments that we collectively all voted for — we voted for these amendments at committee; we voted for them here at this chamber. We did that not on a whim but because we are truly a chamber of sober second thought. We did all this because we heard so much testimony from so many witnesses about user-generated content producers (Canadians) — millions of Canadians who came before our committee and pleaded with this institution.

We are their last hope. These are people who are creating on a daily basis. They're generating income for the Treasury Board of this country. They're generating content that is being spread around the world in a very successful way. We see now particularly young Canadians who have completely transformed themselves from the cable broadcasting industry; they're all online.

As I have said this before in my speeches, I'm still of the old generation. At 9:00 or 10:00, I run to "CTV National News" to watch the news. My boys come walking by the family room laughing at me and spewing out all the news at me at miles an hour because they're on all these platforms, and they feel they're getting their news quicker, getting more options, getting more in-depth news, and they call me a dinosaur.

The issue we have as an institution, Senator Cotter and Senator Dalphond — I listened to your speeches very attentively and I didn't hear much being addressed in regard to Bill C-11. I did hear a lot of constitutional arguments about how this place is an unelected body. I heard arguments about how it is not our role to push back on government legislation from the other place because they have the elected mandate from the people and so on

and so forth. But I just want to go back and remind everyone that it hasn't been that long since Senator Serge Joyal — an eminent senator who, of course, has argued on behalf of the judiciary on this floor on many occasions what our rights and privileges are — has said many times, including on his way out of this place, that we have to be relevant, relevant to our constituency.

So to both Senator Cotter and Senator Dalphond, with all due respect for their arguments, I said to Senator Dalphond that probably what I do think will happen for years to come is the government leader of future governments will probably be quoting his speech on a number of occasions in the future. That is fine, because he put on his judiciary hat, as he was an eminent judge, and did a very good job at making a judicial argument on the floor, but I as a legislator have had the privilege of working at the feet and learning about Parliament from giants such as Serge Joyal and Lowell Murray and others who came before me.

More importantly, I also was privileged enough when I studied political science at McGill University — there was a professor named J.R. Mallory, who also taught me a thing or two, a renowned constitutional expert in this country. He told me that we live in a country where we have separation of the executive, legislative and judiciary bodies.

So with all due respect to judges who are now, of course, legislators, I want to point out that we have supreme constitutional authority on legislative issues, to step in and articulate and craft legislation to the best of our ability, listening to our constituents, even though we're not elected. I know we're all appointed by a prime minister — Prime Minister Trudeau or Prime Minister Harper; I don't think there are any Prime Minister Martin appointees left — but, at the end of the day, we're still accountable to our constituents, to our provinces.

An Hon. Senator: Senator Cordy.

Senator Housakos: Oh, so Senator Cordy and Senator Massicotte.

An Hon. Senator: It was Jean Chrétien.

Senator Housakos: Jean Chrétien, a great prime minister who made a great appointment. I don't want to leave out, of course, Prime Minister Chrétien and Prime Minister Martin. I've been here so long, Senator Cordy, my memory is starting to fog up.

To continue my train of thought, we all have an obligation to our constituents. When we give a mandate to our committee to go do the robust, in-depth study that we did and hear so many voices, literally millions of people, user-generated content producers — which means, again, in brackets, Canadians: your kids, your nephews, my children, artists, singers — when these individuals come to us as their last hope because they see a piece of legislation that is riddled with potential dangers — and there is a possibility the CRTC will do the honourable thing, and there is a possibility that politicians and Heritage Canada will be true to their word.

• (2010)

However, I see no obstacle here — no issue why particular amendments that were put forward by Senator Miville-Dechêne and Senator Simons that were so responsive to the outcry of citizens — this isn't a political agenda; this isn't a partisan issue. This is senators from all groups at committee who heard a large constituency of Canadians who said, "Please, take this issue outside of the pressure cooker of politics of the House of Commons and do the right thing, apply your sober second thought, make the amendments that give us a chance and give us a sense of confidence that the government will not get in our way and destroy our successes."

Senator Plett: Hear, hear.

Senator Housakos: Now, at the end of the day, colleagues, let's be clear: Senator Dalphond and Senator Cotter, we get our legitimacy when we speak for voices from those who feel they haven't been heard in the House and other places. That's where we get our judgment day.

The risk we have — and I've seen it in my 15 years here many times, with all stripes of governments — very often we acquiesce to the will of those who brought us here. When we acquiesce to the will of the executive branch who brought us here, we silence those constituents who are always calling upon us to represent them and speak for them.

Senator Cotter, I thank Senator Downe, because he has been here longer than I have and he appropriately pointed out that the Senate has exercised its constitutional authority on a number of occasions when the Senate thought we were speaking for a large number of Canadians who felt the executive branch was imposing legislation upon them that they thought was so egregious that we were their last hope to stand up in their defence.

When we choose not to do that for a variety of reasons, I believe — and again, if we listened to Senator Joyal on his way out of this place — this place loses a notch of credibility in the eyes of the public. All of the new senators who came here after me, you all know the biggest challenge we face is our legitimacy, because we're an appointed body. Too often, I've seen a large number of voices in this country — it doesn't matter if it's Indigenous people, underprivileged people — whatever the issue may be at whatever time — we agree or disagree — whatever side of the fence you stand on — but a lot of those groups feel that we always acquiesce more often than not to the executive branch. We have heard the argument, both in the media and from the public: "You guys are a rubber stamp."

So, this is the one occasion where I disagree with Senator Dalphond and where we can exercise our constitutional rights when there is such an outcry. As Chair of the Transport and Communications Committee — I was there on the front line with my colleagues — there is a clear lack of consensus.

There is a particular divide between generations in this country. I think we will also be sending a strong message to a younger generation of Canadians who are asking themselves, "What does that unelected upper chamber really do?" I've seen it among witnesses — vloggers and streamers — who came before

our committee, both francophone and anglophone. They were like, "Senator, for the first time, we see there is actually a value for this upper chamber. Please exercise your authority."

That's why I am speaking in support of the amendment from Senator MacDonald. I don't think we will be overstepping or overreaching our authority by sending this message back to the government and saying to them, "We strongly recommend you listen to our sage advice and take note of the amendments that are put forward" — by senators appointed by Prime Minister Trudeau.

Again, I reiterate that this is not strictly a partisan issue, and this is not an issue of us defending — as many are trying to turn this into an issue — the multinational digital companies. It is defending average Canadians who are looking at this institution as their last hope.

I've been pleading and begging, both in public, outside of this place, and in this place, for us to do the right thing. We want to send a message of independence. We want to send a message that we will stand with people and not stand on the side of government. This is the issue.

Thank you, colleagues.

Some Hon. Senators: Hear, hear.

[*Translation*]

Hon. Pierre J. Dalphond: Would the senator take a question?

Senator Housakos: Certainly.

Senator Dalphond: Thank you for agreeing to answer my question.

In a country where a majority government can be elected when one party wins between 37% and 41% of the vote, that means that 60% of the people did not vote for that government. Are you saying that if there are ever changes in government, we should speak for the 60% who didn't vote for that government and prevent its bills from being passed?

Senator Housakos: That is an excellent question, Senator Dalphond.

First of all, as you know, our small group of Conservatives speaks for the majority of Canadians, since we won the majority of votes in the last election. This is an important vote, and we still won more votes than the party that was in power. We won more votes than the current government in two consecutive elections.

It goes without saying that even a democratic parliamentary system is perfectly imperfect. I would also point out that the government is of course elected based on its electoral platform. However, we must not forget that in any election platform, like the Liberal Party platform, it is one thing to say that the Broadcasting Act will be reformed. But the details of the reform process aren't included in the election platform. The details come later, in a bill, and if there's any time for the upper house to do its job, it's to study all the details. An election platform is very general.

Furthermore, I would never argue that we should support a bill simply because reviewing it was part of a political party's platform, since that is entirely contrary to the idea of the independence of this great parliamentary institution.

[*English*]

ADJOURNMENT

MOTION NEGATIVED

Hon. Denise Batters moved:

That the Senate do now adjourn.

The Hon. the Speaker: It is moved by the Honourable Senator Batters, seconded by the Honourable Senator Wells —

Senator Patterson?

Hon. Dennis Glen Patterson: I was hoping to ask a question of Senator Housakos.

The Hon. the Speaker: Senator Housakos' time is up in any event.

It was moved by the Honourable Senator Batters, seconded by the Honourable Senator Wells, that the Senate now adjourn.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: I see two senators rising. Do we have agreement on a bell? One hour? The vote will take place at 9:17.

Call in the senators.

• (2110)

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Batters	Martin
Carignan	Oh
Housakos	Plett
MacDonald	Seidman
Marshall	Wells—10

NAYS
THE HONOURABLE SENATORS

Anderson	Gold
Audette	Greenwood
Boehm	Kutcher
Bovey	LaBoucane-Benson
Boyer	Lankin
Brazeau	Loffreda
Busson	McPhedran
Cardozo	Miville-Dechêne
Clement	Moncion
Cordy	Moodie
Cotter	Osler
Coyle	Pate
Dalphond	Petitclerc
Dean	Quinn
Downe	Ravalia
Duncan	Ringuette
Francis	Saint-Germain
Gagné	Simons
Galvez	Woo—38

ABSTENTION
THE HONOURABLE SENATOR

Patterson (*Nunavut*)—1

• (2120)

ONLINE STREAMING BILL

BILL TO AMEND—MESSAGE FROM COMMONS—MOTION FOR CONCURRENCE IN COMMONS AMENDMENTS AND NON-INSISTENCE UPON SENATE AMENDMENTS—MOTION IN AMENDMENT—MOTION IN SUBAMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion, as amended, of the Honourable Senator Gold, P.C., seconded by the Honourable Senator LaBoucane-Benson:

That, in relation to Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts, the Senate:

(a) agree to the amendments made by the House of Commons to its amendments; and

(b) do not insist on its amendments to which the House of Commons disagrees;

That the Senate take note of the Government of Canada's public assurance that Bill C-11 will not apply to user-generated digital content and its commitment to issue policy direction to the Canadian Radio-television and Telecommunications Commission accordingly; and

That a message be sent to the House of Commons to acquaint that house accordingly.

And on the motion in amendment of the Honourable Senator Plett, seconded by the Honourable Senator Housakos:

That the motion, as amended, be further amended:

1. by replacing sub-paragraph (b) by the following:

   "(b) insist on its amendments to which the House of Commons disagrees;";

2. by adding, before the final paragraph, the following new paragraph:

   "That, pursuant to rule 16-3, the Standing Senate Committee on Transport and Communications be charged with drawing up the reasons for the Senate's insistence on its amendments; and"; and

3. by replacing, in the final paragraph, the words "That a message be sent" by the words "That, once the reasons for the insistence have been agreed to by the Senate, a message be sent".

And on the subamendment of the Honourable Senator MacDonald, seconded by the Honourable Senator Housakos:

That the motion in amendment be amended:

1. in the proposed new wording for sub-paragraph (b), by replacing the words "amendments to which the House of Commons disagrees;" by the following:

"amendment 3 to which the House of Commons disagrees; and

(c) do not insist on its other amendments to which the House of Commons disagrees;"; and

2. in the proposed new paragraph empowering the Standing Senate Committee on Transport and Communications to develop the Senate's reasons for its insistence, by replacing the word "amendments" by the word "amendment".

Hon. Tony Dean: I move adjournment of the debate.

The Hon. the Speaker: It is moved by the Honourable Senator Dean, seconded by the Honourable Senator Saint-Germain, that further debate be adjourned until the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Agreed.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: I see two senators rising. Do we have agreement on a bell? One hour. The vote will take place at 10:22.

Call in the senators.

• (2220)

Hon. Donald Neil Plett (Leader of the Opposition): Your Honour, after having discussions with all of the different leaders, we have reached a consensus that we will accept the adjournment of the debate and move on to the rest of the agenda.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

(On motion of Senator Dean, debate adjourned.)

TIME ALLOCATION—NOTICE OF MOTION

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, I wish to advise the Senate that I have been unable to reach an agreement with the representatives of the recognized parties to allocate time to the motion, as amended, to respond to the message from the House of Commons concerning the Senate's amendments to Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts.

Therefore, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to rule 7-2, not more than a further six hours of debate be allocated for the consideration of the motion, as amended, to respond to the message from the House of Commons concerning the Senate's amendments to Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts.

ADJOURNMENT

MOTION ADOPTED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of April 19, 2023, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, April 25, 2023, at 2 p.m.

The Hon. the Speaker: Are senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

RADIOCOMMUNICATION ACT

BILL TO AMEND—THIRD READING

Hon. Dennis Glen Patterson moved third reading of Bill S-242, An Act to amend the Radiocommunication Act, as amended.

He said: Honourable senators, it is my honour to rise at third reading of my bill, Bill S-242, An Act to amend the Radiocommunication Act.

I have always said that I feel that the strength of the Senate lies in the work of its committees. I am thankful to have worked on this bill in committee with such a dedicated group of senators,

capably chaired by my colleague Senator Housakos. Their thoughtful questions and openness to collaboration helped us bring forward what I feel is the best version of this bill.

As colleagues know, our individual office resources do not come close to those of a government department, so this collaborative approach to the drafting of legislation, particularly in complicated areas such as broadband usage and allocation, is most welcome.

In addition to thanking members of the committee, I would be remiss if I did not acknowledge, in this connection, my capable and indefatigable Director of Parliamentary Affairs, Claudine Santos, who has ably supported me in achieving consensus on fine-tuning the bill.

I am also grateful to the many witnesses and stakeholders who gave their time, energy and expertise in order to help inform the amendments to this bill.

Bill S-242 has come to be colloquially referred to as "the use it or lose it" bill by those familiar with it. The bill aims to ensure that spectrum purchased by a proponent is actually deployed. It attempts to reduce the amount of fallow spectrum by creating ramifications for proponents that would engage in the practice of spectrum trafficking or — as we have come to call it, based on a comment from Senator Simons at committee — spectrum squatting. Some of you may be asking, "What did he just say?" It has taken me a while to get a handle on it as well.

Wireless spectrum is a limited resource that refers to the range of frequencies that are used for wireless communication like Wi-Fi and cell service. Think of it like a highway for data and signals that travel from your device to the internet and back.

There are different lanes, or frequency bands, within the wireless spectrum — each with its own speed limit, and each suited to different types of data traffic. The government regulates and allocates these frequency bands to different companies and organizations for use — ensuring that there is enough spectrum available for everyone, and that different devices can communicate without interfering with each other.

In Canada, the regulation of wireless spectrum is the responsibility of Innovation, Science and Economic Development Canada, fondly known as ISED. ISED is responsible for developing and implementing policies and programs related to the efficient and effective use of the spectrum resource. This includes licensing and allocating spectrum to various users, such as wireless carriers, broadcasters and government agencies.

ISED also ensures that the use of spectrum does not cause interference to other users, such as radio stations. The decisions that ISED makes affect how quickly Canadians are connected.

Spectrum auctions are a method used by governments to allocate spectrum licences to the highest bidder. In a spectrum auction, companies and organizations bid on the right to use specific frequency bands for their wireless communication services. The bids are made in a competitive environment, with each participant bidding against one another to secure the licence.

The government collects the auction proceeds, which can be substantial, as the demand for spectrum has increased with the growth of wireless technologies and services. In the last spectrum auction, which took place in April 2019, the Government of Canada made $3.4 billion by selling 104 licences.

• (2230)

Spectrum auctions are widely used in many countries, including the United States, Canada and Europe, as a way to allocate valuable spectrum resources and to raise revenue for the government.

Fallow spectrum, or undeployed spectrum, refers to a range of frequencies that have been granted to a telecommunication company or organization by a government or regulatory body but which have not been fully utilized or deployed for communication services. This unused spectrum can be a valuable asset, as there is often high demand for additional bandwidth to support growing data and connectivity needs. In some cases, telecommunication companies may choose to hold on to their undeployed spectrum to increase its value over time. This has sometimes been called "spectrum arbitrage." Often in Canada, some companies choose to sell this spectrum to other organizations for massive profits. This leaves behind the communities that would benefit from the connectivity the spectrum would provide.

In Canada, some telecommunication companies are awarded spectrum licences by the government with a substantial subsidy. In many cases, these companies may not fully utilize or deploy all of the spectrum that they have been granted. Instead, they may choose to sell their unused spectrum to other companies for a massive profit, effectively turning the government subsidy into profit.

Spectrum trafficking — and I love Senator Simons' colourful description, "spectrum squatting" — is the practice of buying spectrum at a massive discount, not deploying it and reselling it years later. It is highly profitable, but leaves communities behind — especially rural, remote, Northern and Indigenous communities — because this spectrum, which should be a public resource, should have been connecting them. In my opinion, spectrum should be used to connect Canadians, as opposed to being sat on and then flipped for a profit.

Enter Bill S-242. While it is in no way a panacea to all the ills that plague our broadband and telecommunication system in Canada, I believe it is a good solution to a specific issue. This bill has evolved through dialogue with industry experts, proponents, academics and, as I said, my respected colleagues into legislation that proposes to establish a use-it-or-lose-it as well as a use-it-or-share-it model that will ensure more Canadians are connected.

Currently, it is left to ISED's sole discretion what deployment conditions are attached to awarded licences. Very few licences are revoked due to failure to meet deployment conditions. We learned this in the committee study of the bill. And yet, the Canadian Radio-television and Telecommunications Commission, or CRTC, has repeatedly spoken of the "digital divide" experienced by rural Canadians.

According to the CRTC website, ". . . many Canadians, particularly those in rural and remote areas, do not have adequate access . . ." to internet services. The government's own National Broadband Internet Service Availability Map shows a number of rural and remote communities that are either under-serviced, meaning they fall below the national threshold of 50 megabits-per-second download speed and 10 megabits-per-second upload speed, or they are not connected at all. To me, this is a clear indication that current deployment conditions are too lax.

Bill S-242 proposes to establish a baseline for deployment conditions that many stakeholders, including individual internet providers and the association representing Canadian wireless internet service providers, or CanWISP, agreed were fair and reasonable. The bill would simply require all spectrum licence holders to deploy spectrum to 50% of the population within prescribed geographic regions contained in the licence area, known as Tier 5 areas, within three years of acquiring the licence. This would ensure that those buying larger-area licences, or Tier 1 to 4 licences, would not be able to meet deployment conditions by simply deploying to the urban areas within those large tiers, but would also be required to service the smaller, rural and remote areas nestled within.

The bill also places an emphasis on the use of subordinate licences, or sub-licences, as a solution to meeting the deployment conditions. It would give the minister the flexibility to decide whether to revoke the entire licence outright or to reallocate Tier 5 areas within the licence to other providers that are ready and able to service the underserved areas. If the licence is revoked, the minister would need to reallocate the spectrum within 60 days, using either another competitive process or some other system of reallocation, such as first-come, first-served. The proponent and its affiliate companies would be ineligible to reapply.

The third main component of this bill is the civil liability clause. The intent of this clause is to ensure that if the licence holder, by acting in bad faith, did not meet the deployment conditions and had their licence revoked, the population that had been serviced by the provider and lost that service due to the revocation may initiate a civil claim for damages. Quebec is the only jurisdiction that I know of with a civil liability code that would enable customers to sue a company in this manner. That is why I believe that this clause is necessary, as it would enable those who lose connection due to the actions or relative inaction of a licence holder to sue. It is well understood in law that in order for a civil liability claim to go forward, the plaintiff must establish loss or damage based on the negligence or malicious intent of another party.

Currently, ISED may be hesitant to revoke a licence if it results in any percentage of the population getting disconnected. That is why I contend that the civil liability clause would not only help ISED make the decision to revoke a licence, knowing that there is a remedy for anyone disconnected, but also serve as an added incentive to licence holders to meet the deployment conditions.

Every witness who appeared stated that they supported the spirit and intent of the bill. The only witnesses who outright felt the bill was unnecessary were ISED, whose current handling of spectrum deployment is, frankly, being criticized by this bill, and the larger service providers represented by the Canadian Wireless Telecommunications Association, who are the perpetrators of spectrum trafficking or spectrum squatting. Do with that information as you will.

Honourable senators, since 2012, the United Nations Human Rights Council has adopted five resolutions that follow along the theme of the internet as a human right. In an increasingly digital world, access to the internet isn't just the ability to stream a movie or play a game online; it's the ability to start a business, connect with a specialist, learn from home, provide government services like telehealth and so much more.

I want to thank my colleagues for their support of this bill. It is one small piece in a very large puzzle, but I believe that it will bring us closer to finally bridging the digital divide. Certainly, ensuring that all available spectrum is deployed is integral to connecting all Canadians. Thank you. *Qujannamiik*.

Hon. Percy E. Downe: Honourable senators, I have been asked to deliver this speech on behalf of Senator Black, who is unable to deliver it tonight. I must say, colleagues, this is the first time I have delivered a speech on behalf of somebody else, and right off the top, I note that it's much longer than my normal speeches, so I ask your indulgence. Secondly, this is the first week when I have delivered two speeches after 10:30 at night. I hope it doesn't become a pattern in my life.

Honourable colleagues, on behalf of Senator Black, I rise today to speak to Bill S-242, An Act to amend the Radiocommunication Act. As many of you know, Senator Black is and always will be an advocate for rural and Northern Canadians.

• (2240)

He has lived and worked in rural settings for most of his life, and he will continue to speak in the best interests of rural Canada here in the Red Chamber.

He would like to start his speech by thanking his honourable colleague from Nunavut, the Honourable Senator Patterson, for bringing this issue to the attention of the Senate. Senator Black believes this is an important step forward in ensuring Canada is more effective, connected and competitive in this new technological age.

The internet is no longer a luxury but a necessity for Canadians. It is a critical tool for communication, education, health care, business and so much more. It has transformed the way we live as Canadians, the way we work and interact — not just with one another, but with people across the world. It has become an important part of our daily lives.

Unfortunately, colleagues, not everyone in Canada has equal access to the internet, and this is particularly true for those who live in rural communities.

Bill S-242 is a vital piece of legislation that aims to amend the Radiocommunication Act with the goal of improving access to high-speed, broadband internet for all Canadians, including those living in rural and remote communities. This "use it or lose it bill," as it has been called, seeks to achieve this by amending

Canada's spectrum policy for the provision of broadband services in rural and remote areas to require service providers to expand their network to reach more Canadians. It is essential that those who hold spectrum provide the broadband needed so those underserved communities can obtain reliable broadband service.

This means that unused spectrum would be made available to other users, such as smaller internet companies in rural communities, without impacting the operation of licensed users. As Senator Patterson of Nunavut mentioned, in the next spectrum auction, it's an important next step for Canadians that every carrier has access to 100 megahertz of 5G spectrum as long as they are ready to use it.

Colleagues, I must tell you, I really like this speech. Senator Black wrote a very good speech, and I agree with everything he is saying here. It certainly has an impact on Prince Edward Island. I just hope it keeps getting better since I just got it a few minutes ago.

Colleagues, this approach has been successful in other countries, such as in the United States where the Federal Communications Commission adopted similar policies to promote the efficient use of spectrum and expand access to broadband internet. By adopting similar policies in Canada, we can ensure that rural and remote communities and agricultural businesses have access to the tools they need to succeed in the digital age. This is an essential step forward in ensuring that all Canadians have access to high-quality broadband internet regardless of where they live or work. By eliminating "spectrum squatting," as my honourable colleagues — Senator Simons, I believe, and Senator Patterson — both referred to, Bill S-242 will help fix the digital divide and help smaller companies bring much-needed service to Canadians who have been left behind for far too long by larger communication firms sitting on spectrum.

A few weeks ago, Senator Black had the opportunity to meet with a local broadband provider here in Ottawa who spoke about their struggles expanding their service in rural parts of Eastern Canada. For years, they worked hard to grow as a company and add clients, but with large corporations holding spectrum contracts, they are significantly limited in doing so.

Senator Black commends Storm Internet for their continued work as one of many organizations across the country trying to provide for Canadians, and he would like to again extend thanks to Storm Internet for taking the time to meet him in their office here in Ottawa.

Colleagues, Bill S-242 is about more than just access to the internet. It is about creating a level playing field for all Canadians regardless of where they live. It is about ensuring that every Canadian has access to the same opportunities regardless of whether they live in a major city or a rural region. This is particularly important for rural communities that often lack the same access to services and resources as their urban counterparts. By ensuring that all telecommunications companies use the spectrum they bid on, Bill S-242 shall allow rural communities and smaller internet companies to compete on an equal footing with urban centres.

This, in turn, will promote economic growth and create new opportunities for Canadians living in rural and remote areas which will benefit not just these communities but the many businesses and industries that support these regions.

Senator Black also wanted to make reference to the necessity of broadband access on the farm. The growth and innovation of the agriculture sector demands further involvement of technology in many, if not all, aspects of farming.

In the Agriculture and Forestry Committee, he has heard about the importance of the on farm data collection, networking and collection of information to share across the country regarding soil health, and, honourable colleagues, that is just one aspect of farming. Farmers are dependent on technology and will continue to depend on access to the internet and broadband services to improve, enhance and refine their practices.

The agricultural sector faces unique challenges that require creative solutions. The industry is changing rapidly with advances in technology and automation, transforming the way farmers operate. However, to maintain this positive course, government action is needed to guarantee internet connections for all Canadians — not just those in city dwellings, but also for those who put food on our tables.

Honourable colleagues, I would like to complete Senator Black's time by discussing the disparity between those with internet access and those without. Only 59% of Canada's lowest income families have internet access. In rural areas, where the majority of Canada's Indigenous people are located, they have even less. Only 40.8% have access to broadband speed good enough to effectively use computers and online resources. In the era of technology-based labour, these disparities cannot continue, and we must work to provide for all Canadians by closing gaps and disparities that separate Canadians from opportunities.

Of course, the passage of Bill S-242 is only one part of the solution. We must also continue to invest in infrastructure and other initiatives to expand access to broadband internet and other digital services. This includes supporting community-led initiatives to build and maintain local broadband networks as well as working with telecom providers to expand coverage in underserved areas.

The availability of broadband internet is not the only issue facing rural communities and the agricultural sector. Many rural communities also face challenges in accessing basic services such as health care, education and transportation. These challenges can be worsened by the lack of a reliable internet connection. We have heard that many professionals — doctors, lawyers, accountants and nurses — do not want to settle in rural areas that lack basic infrastructure, secure and stable internet access being one of those.

Rural communities will continue to shrink without government support to improve these basic necessities of life. We must also recognize that the challenges facing rural communities and the agricultural sector are complex and multi-faceted. We must take a holistic approach to addressing these challenges and ensure that all Canadians, regardless of their location or industry, have access to the tools they need to be successful in today's world.

In closing, Senator Black would urge his colleagues to support Bill S-242 — as I would, as well, I might add. By eliminating spectrum squatting through use it or lose it regulations, we can help bridge the digital divide in Canada and ensure that all Canadians, regardless of where they work, play and live, have equal opportunities for success.

Thank you, colleagues.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise today to speak to Bill S-242, an act to amend the Radiocommunication Act. I would like to thank Senator Patterson of Nunavut for introducing this bill and working on it so diligently.

• (2250)

I believe the bill makes a very important contribution towards stimulating government action. Colleagues, what we are facing in this country are serious connectivity challenges for rural and remote parts of Canada. There are senators in this chamber who are very familiar with many of those challenges. Senator Manning, for instance, who is a member of the Senate Communications and Transport Committee that reviewed this bill, spoke to many of the challenges he himself has faced in his home province of Newfoundland and Labrador.

I know that other senators are also very familiar with the significant challenges faced by Canadians in the provinces, territories or regions they represent. That is, of course, particularly true for Senator Patterson.

When Senator Patterson spoke on his bill at the Senate Communications Committee, he referenced a key motivation that led him to introduce this bill. Specifically, he said:

> Many of you will remember various questions or interventions that I have made over the years about improving connectivity for rural and remote regions within this vast country of ours. My region is probably a poster boy in remoteness and inaccessibility. This bill is another attempt to help all Canadians have access to the same level of service that you and I enjoy while here in Ottawa.

Honourable senators, I think those of us who live in urban centres, where we take so many of our conveniences for granted, need to reflect on the challenges faced by many in rural and remote parts of our country who do not enjoy such conveniences. I believe it is actually a misnomer to refer to connectivity simply as a convenience. In the connected society in which we live, it has become essential to ensure that all Canadians can have at least similar opportunities in our digital world.

In the remarks I originally made on this bill at second reading, I referenced an article in *Policy* magazine by Helaina Gaspard, Alanna Sharman and Tianna Tischbein of the University of Ottawa. That article, entitled "Governing Connectivity: How is Spectrum Policy Impacting the Lives of Canadians?," noted how important access to spectrum is for anyone in our digital economy. The authors stated:

> Spectrum has a direct or indirect role in most areas of industrial development and economic activity. From connectivity to medicine to transport and shipping, spectrum policy — the policies shaping how spectrum is allocated to different users and uses — has implications for economies and people.

That is where I believe this bill has been so important. It has brought badly needed attention to the issue of connectivity for Canadians living in remote and rural areas. In that regard, Senator Patterson has done these Canadians a very significant service.

The Standing Senate Committee on Transport and Communications reviewed the bill and heard from many witnesses. Some witnesses expressed concerns that the bill, as drafted, might not facilitate rural connectivity in the way that it was intended. Jonathan Black, Executive Director of the Canadian Association of Wireless Internet Service Providers, told the committee that his association strongly supports a use-it-or-lose-it framework and the fundamental premise of Bill S-242. But he worried that "a one-size-fits-all approach to deployment requirements" might not work as intended in rural P.E.I. or coastal B.C. He also worried that the civil liability imposed by the bill might discourage investment.

Similar concerns were expressed by Robert Ghiz, President and Chief Executive Officer of the Canadian Wireless Telecommunications Association, who also said of Innovation, Science and Economic Development Canada:

> . . . the department requires a flexible framework that allows it to tailor its processes in spectrum licensing conditions to suit the unique characteristics of the spectrum band being licensed and its proposed use.

Mr. Ghiz worried that:

> A one-size-fits-all requirement will limit the department's ability to do so and risk undermining the department's and the industry's shared goal of improving network quality and coverage.

These concerns notwithstanding, we remain confronted with a serious problem. As I stated when I spoke to the bill at second reading, only 30% of rural communities have access to high-speed internet, and only 24% of Indigenous communities have similar access.

The COVID-19 pandemic pointed out the urgency of accelerating progress towards digital equity for rural Indigenous communities. The perpetuation of digital inequity will only increase the existing socio-economic gap between Indigenous and non-Indigenous people, not only for business opportunities and employment but in education and physical and mental health

as well. Indigenous communities must be fully equipped to access broadband, to contribute, thrive and succeed in today's digital society. So, we need to strongly encourage active measures to address these serious gaps for our most vulnerable communities.

Eva Clayton, President of Nisga'a Lisims Government, spoke for many Canadians in these vulnerable communities when she stated:

> Having a legal recourse and some assurance that the service providers will be held to account and will be held accountable to remote communities through this bill will not only help communities access important and critical services but will also help alleviate some of the financial burdens in order to stay connected because of a lack of oversight.

Similarly, Professor Jeff Church of the University of Calgary expressed his delight with Bill S-242. He referenced analysis by which TELUS found that "only 20% of some set-aside spectrum in rural area has been deployed," and that spectrum set-asides range from 40% to 60% of the total in some auctions. He argued that this pointed to a considerable misallocation of spectrum. The misallocation, he said:

> . . . becomes notable when spectrum has been assigned but there is either poor or no service in rural and remote areas.

When I consider what the committee did, I am pleased at the way it sought to respond to what these witnesses told the committee and to instead bridge some of these gaps. An amendment introduced by Senator Harder and supported by Senator Patterson provides for greater flexibility through the provision of greater flexibility to the minister and potentially working with smaller service providers to assist in providing greater coverage of rural areas.

Senator Patterson also engaged in significant consultations with stakeholders to further improve his own bill through amendments which further encourage licence holders to deploy spectrum as broadly and inclusively as possible, in particular, to better serve rural and remote areas.

When he spoke at committee, Professor Gregory Taylor of the University of Calgary made the specific point that this bill has brought real issues into the policy discussions that have been insufficiently addressed up to this point. There is clearly more work still to be done.

The committee itself acknowledged that in its own observations on the bill in relation to the need for additional government policies and incentives to encourage proponents to serve rural and remote regions, particularly Indigenous communities, who are among the most unconnected communities in the country. Since these recommendations were beyond the scope of this bill, it will be incumbent upon government to take concerted action.

Honourable senators, this gap in rural and remote connectivity has been with us for too long. In 2021, the Conservative Party's election platform stated:

> As technology continues to advance, the infrastructure of the future – broadband and 5G – will be increasingly critical to job creation.

The platform proposed to "build digital infrastructure to connect all of Canada to High-Speed Internet by 2025," to accelerate the building of rural broadband and to implement a new and faster approach to the spectrum auction process and integrate use-it-or-lose-it provisions to ensure that spectrum, particularly in rural areas, is actually developed.

The current government has also made commitment to the use-it-or-lose-it approach, and that commitment is incorporated in Minister Champagne's mandate letter specifically. It directs the minister to:

> Accelerate broadband delivery by implementing a "use it or lose it" approach to require those that have purchased rights to build broadband to meet broadband access milestones or risk losing their spectrum rights.

So, we have widespread agreement that this should be done. But we have simply not been moving fast enough. We should be under no doubt that due to the current government's delays, Canada now has considerable catching up to do. As I noted at second reading, Canada ranks below the OECD average when it comes to connectivity. In contrast to Canada, 5G is already being rolled out in countries such as Korea and Norway. Korea is already working ahead to 6G considerations, with government and universities engaged in planning and the study of applications for end users.

• (2300)

Canada's sluggish approach is having significant implications for Canada's global competitiveness. If we fail to act, not only will our economic competitiveness be impacted, but the government's own ability to ensure effective services will be undermined. In areas such as health care delivery, for example, this has very serious implications.

I believe that Senator Patterson's bill makes an important contribution to ensuring that we finally address this issue. Honourable senators, I ask you to support sending the bill to the House of Commons so that it can be adopted and to prod the government into broader policy actions that will tackle this very important issue. Thank you.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to and bill, as amended, read third time and passed, on division.)

CITIZENSHIP ACT
IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Cormier, for the second reading of Bill S-235, An Act to amend the Citizenship Act and the Immigration and Refugee Protection Act.

(On motion of Senator Housakos, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Ravalia, for the second reading of Bill S-239, An Act to amend the Criminal Code (criminal interest rate).

(On motion of Senator Clement, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Boyer, seconded by the Honourable Senator Marwah, for the second reading of Bill S-250, An Act to amend the Criminal Code (sterilization procedures).

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Boyer, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

STUDY ON MATTERS RELATING TO BANKING, COMMERCE AND THE ECONOMY GENERALLY

FIFTH REPORT OF BANKING, COMMERCE AND THE ECONOMY COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Wallin, seconded by the Honourable Senator Smith:
>
> That the fifth report of the Standing Senate Committee on Banking, Commerce and the Economy, tabled in the Senate on Wednesday, February 15, 2023, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Finance being identified as minister responsible for responding to the report.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

BUSINESS OF THE SENATE

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-13(2), I move:

> That the Senate do now adjourn.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

(*At 11:07 p.m., the Senate was continued until Tuesday, April 25, 2023, at 2 p.m.*)

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